

COUNTY OF BRANT COUNCIL MINUTES

Council Chambers, Paris
Tuesday, April 7, 2009
7:00 p.m.

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

Regrets: Councillor Atfield

Staff: Glassford, Compeau, Underwood, Johnston, Bell, Tucker and Carman.

Mayor Eddy in the Chair.

APPROVAL OF AGENDA

Moved by – Councillor Powell
Seconded by – Councillor Schmitt

That the Brant County Council agenda and addendum for the April 7, 2009 meeting be approved as distributed, with the following additions:

- Parking matter in Glen Morris
- Notice of motion from Councillor Chambers

. Carried

DELEGATIONS/PRESENTATIONS/PETITIONS**Borzas Family Memorial, Burford Pioneer Cemetery**

Garth Nelson of The Stone Centre advised that he was in agreement with the staff recommendation on the request for the Borzas Family Memorial, and as such was withdrawing his presentation to Council.

Zoning Application by 1590361 Ontario Inc. for 22 Airport Road

John Ariens, IBI Group, on behalf of the owner of 22 Airport Road, requested that Council defer a decision on Recommendation 1 of the Planning Advisory Committee report until such time as a report has been prepared by an environmental expert on the effect of air emissions by the proposed brick plant on the groundwater in the Airport wellhead protection area. He noted that all of the technical issues regarding noise, dust, air pollution, water usage, storm water management, etc. at the proposed facility had been adequately addressed to the satisfaction of County staff, the City of Brantford, NAV Canada and various other agencies. Mr. Ariens advised that the air emissions from the stack are regulated by the Ministry of the Environment through a Certificate of Approval, noting that the emissions will be well within the 2020 MOE requirements.

Gloria Crawford advised that the residents in the area of the proposed brick plant have expressed concerns since the proposal was initiated in 2008 about air emissions and the environmental effects on the air and groundwater contamination. She requested that Council not defer the recommendation, and requested that the zoning application be refused by Council on the basis that the use is not compatible in the area.

It was agreed that the two presentations would be referred for consideration during the Planning Advisory Committee report.

Tow Truck industry

Hal Rothenberg referred to a presentation he had made to Council in October 2008 requesting clearer signage regarding towing in private lots, adopting a by-law in Brant to regulate tow trucks, and promoting the regulation of the towing industry on a Province-wide basis. He noted that the County has opted to wait for approval of a Private Member's Bill to regulate the towing industry rather than take action on a tow truck by-law for Brant specifically. Mr. Rothenberg advised that he does not feel that this is a viable solution, and he requested that staff move forward with a by-law for the County of Brant. He noted that there has been no improvement in the signage at the Paris Medical Arts Building, and he requested that Council take action to relieve the limited parking in the downtown area. He also requested that Council support a Province-wide towing truck regulation at the next AMO Annual Meeting.

Councillor Haggart responded that the matter of the signage and parking at the Paris Medical Arts Building is an ongoing matter, noting that the County has no authority to regulate a private parking lot. Mayor Eddy pointed out that a recommendation from the Police Services Board regarding a tow truck by-law is being considered by Council at this meeting.

Drainage Issues – Falkland

Mr. Alan Pike was not in attendance at the meeting to present concerns about drainage in the Falkland area.

MINUTES

Moved by – Councillor Simons
Seconded by – Councillor Schmitt

That the minutes of the March 17, 2009 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 minutes of the March 18, 2009 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. Mayor Eddy noted that an update on lawsuits that have been filed against members of Council in Michigan and Texas has not been received as yet.

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CONSENT ITEMS

Moved by – Councillor Coleman
Seconded by – Councillor Hodge

That the following Information Reports be received:

1. Social Services Committee minutes – March 4, 2009.
2. Decisions from the March 26 Committee of Adjustment meeting.

And that the following Consent Communications items be received:

1. AMO Member Communications:
 - a. Ontario Budget confirms offsets for the cost of PST/GST harmonization and anticipated infrastructure stimulus investment
 - b. Federal Rules changes for Building Canada Fund projects with Provincial Environmental Assessments until 2011
 - c. Provincial Announcement on poverty reduction measures
 - d. Committee hearings on the Green Energy Act.
 - e. Invitation to Consult – Great Lakes Vision, Goals and Strategies
 - f. Information on Peter J. Marshall Award for Municipal Innovation
2. Hon. George Smitherman, Minister of Energy and Infrastructure, re: deadline for County's Official Plan.
3. Hon. Jim Watson, Minister of Municipal Affairs and Housing re: new funding programs for social and affordable housing as part of the 2009 Ontario Budget.
4. Bill Johnston, Chair of the Grand Erie District School Board, re: Ontario Government's poverty reduction strategy.
5. Hon. John Gerretsen, Minister of the Environment re: Implementation of the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement.
6. Hydro One Networks Inc. – Information on increases to 2008 delivery rate charges.
7. Copy of letter sent by M.P.P. Dave Levac to Hon. Margaret Best, Minister of Health Promotion with information on Paris Community Pool, noting support for the County's proposal.
8. Information on the Lincoln M. Alexander 2009 Award for young Ontarians who have demonstrated exemplary leadership in contributing to the elimination of racial discrimination.
9. Federation of Canadian Municipalities – Report on March FCM meeting.
10. Ministry of Municipal Affairs and Housing March *Update* newsletter.
11. Notice of establishment of Land Use Council consortium to press for land ownership protection and invitation to information seminars to be held in Caledon and Port Perry.
12. Thank you from Airport/Colborne Street West Area Citizens for Planning Advisory Committee decision on 22 Airport Road application.
13. April 2009 newsletter from M.P. Phil McColeman, Brant Riding.
14. Copy of the Feasibility Study for the Nanticoke Grand Valley Area Water Supply Project.
15. City of Hamilton – Notice of Phase 2 Public Information Centre for the City-wide Cycling Master Plan.
16. Grand Erie Training and Adjustment Board – 2009 Trends, Opportunities and Priorities Report for Brant, Haldimand and Norfolk.
17. March 2009 newsletter from the College of Physicians and Surgeons of Ontario.
18. Information on the Ontario Onsite Wastewater Association.
19. Information on Ontario Coaches Week – April 18 – 26, 2009.
20. Laurier University – Lifelong Learning Non-Credit Day Courses for Adults – Spring 2009.
21. Spring Newsletter from the Children's Safety Village.
22. Thank you to Council and staff from Carol Moore for flowers.

23. Minutes of Meetings:

- a. Paris BIA – March 10, 2009
- b. Long Point Region Conservation Authority – February 27, 2009.
- c. Grand River Conservation Authority – February 27 and March 9, 2009.
- d. County of Brant Public Library – February 10, 2009.
- e. Brant County Board of Health – January 15, 2009

. Carried

PLANNING ADVISORY

Councillor Schmitt presented the following report from the March 18, 2009 meeting of the Planning Advisory Committee, it being agreed that Recommendation 1 would be dealt with separately:

1. That Zoning By-law Amendment File No. ZBA25/08, from IBI Group, agent for 1590361 Ontario Inc., applicant / owner of Lot 1 of Plan 1029, County of Brant, in the geographic Township of Brantford, located at 22 Airport Road wherein the applicant proposes to change the existing Special Industrial zoning to permit the establishment of a brick manufacturing facility, and accessory uses at the subject property, be refused.
2. That Official Plan Amendment File OPA/C05 from J.H. Cohoon Engineering Limited for Zavarella Construction Ltd., for lands described as Part Lot 9, Concession 1, north side of Highway No. 2, and Block 63, Plan 2M-1875, County of Brant, in the former Town of Paris, located at 166 King Edward Street and Dundas Street West, wherein it is being proposed to change the land use designation from Neighbourhood Commercial to Medium Density Residential, be adopted, subject to the approval of the Minister of Municipal Affairs and Housing;

That Zoning By-law Amendment File ZBA40/05 from J.H. Cohoon Engineering Limited for Zavarella Construction Ltd., for lands described as Part Lot 9, Concession 1, north side of Highway No. 2, and Block 63, Plan 2M-1875, County of Brant, in the former Town of Paris, located at 166 King Edward Street and Dundas Street West, wherein it is being proposed to change the Highway Commercial (C2) Zone to Residential Multiple First Density (R4) Zone, subject to a Holding Provision (effective upon confirmation of the approval of the Official Plan amendment) and Residential First Density (R1-4), be approved;

That Draft Plan of Condominium CDM3/05 from J.H. Cohoon Engineering Limited for Zavarella Construction Ltd., for lands described as Part Lot 9, Concession 1, north side of Highway No. 2, and Block 63, Plan 2M-1875, County of Brant, in the former Town of Paris, located at 166 King Edward Street and Dundas Street West, wherein it is being proposed to redevelop these lands as a 22 unit rowhouse condominium, be approved, subject to conditions (effective upon confirmation of the approval of the associated Official Plan amendment).

3. That Zoning By-law Amendment File No. ZBA1/09/SS, from J.H. Cohoon Engineering Limited, agent for the Estate of Richard D. Buchanan, with respect to lands described as Part Lot 14, Concession 4, geographic Township of South Dumfries, County of Brant, located at 364 McLean School Road, where the applicant proposes to rezone the subject lands from Agricultural with special exception for a telecommunications tower (A-2) to Estate Residential in order to recognize that these lands have been previously developed for residential uses, be approved.

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4. That File No. ZBA4/09/MD, from Robert Shellard, owner of Part of Lot 12, Concession 1, geographic Township of Burford, County of Brant, located at 600 Middletownline Road to rezone a portion of the land holding from Agricultural (A) to Agricultural with a special exception (A-) to allow motor vehicle safety checks and motor vehicle repairs performed on trucks, tractor trailers and farm equipment, be approved.

Moved by – Councillor Schmitt
Seconded by – Councillor Hodge

That Recommendations 2 – 4 of the Planning Advisory Committee report from its March 18, 2009 meeting be adopted.

. Carried

Councillor Haggart advised that since he had not been present at the Planning Advisory Committee meeting when Recommendation 1 was heard, he would be removing himself from the Council table during the discussion and vote on this matter.

Moved by – Councillor Schmitt
Seconded by – Councillor Hodge

That Recommendation 1 of the Planning Advisory Committee report from its March 18, 2009 meeting be adopted.

. Carried

Councillor Haggart returned to the Council table.

PARKS AND RECREATION

Councillor Wheat presented the following report from the March 24, 2009 meeting of the Parks and Recreation Committee, it being agreed that the two recommendations would be dealt with separately:

1. Whereas at the November 4, 2008 meeting of Council the recommendation was passed to cease operation of the Paris Community Pool;

And whereas Council approved the hiring of an aquatic consultant to complete a two phase analysis of the continued operation of aquatic services in the County of Brant;

And whereas the Phase One Report from Clem Pelot Consulting has confirmed that repairing or replacing the existing Paris Community Pool is not the recommended option that the County of Brant should pursue;

Be it hereby resolved that the County of Brant look into alternative locations to continue offering learn to swim programs in the County of Brant until such time that a new aquatic infrastructure is available;

And that Clem Pelot Consulting complete the Phase Two Report to identify the future aquatic needs of the County of Brant.

2. That the request for an exception to By-law 130-01, regarding an oversize monument to be installed at the Burford Pioneer Cemetery, as received from the Stone Centre Inc., on behalf of the Borzas family, be approved.

Moved by – Councillor Wheat
Seconded by – Councillor Schmitt

That Recommendation 2 of the Parks and Recreation Committee report from its March 24, 2009 meeting be adopted.

. Carried

Moved by – Councillor Wheat
Seconded by – Councillor Schmitt

That Recommendation 1 of the Parks and Recreation Committee report from its March 24, 2009 meeting be deferred for one meeting cycle, to allow for a presentation by Clem Pelot at the next meeting of Council.

. Defeated

Moved by – Councillor Wheat
Seconded by – Councillor Schmitt

That Recommendation 1 of the Parks and Recreation Committee report from its March 24, 2009 meeting be adopted.

. Carried

In response to a concern that the Phase 1 report prepared by Clem Pelot identified that the Twin Pad Arena was the preferred location for a pool, the Director of Community Services clarified that the consultant will be reviewing the existing site and other possible sites for a pool in Phase 2 of the analysis.

EMERGENCY SERVICES

Councillor Wheat presented the following report from the March 24, 2009 meeting of the Emergency Services Committee:

1. That the Treasurer be directed to create a reserve for the purpose of stabilizing the tax impact of training Advanced Care Paramedics;

And that \$74,000 in unused training funds from 2008 be transferred to this reserve.

2. That the week of May 3 to May 9, 2009 be proclaimed as “Emergency Preparedness Week” and that all citizens be encouraged to participate in educational activities regarding emergency preparedness.
3. Whereas Community Services and Planning staff has met with representatives from the Family Health Team and the Fire Department;

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And whereas there is no objection by any party;

Be it hereby resolved that Committee approve the proposed additional parking spaces as set out in drawing number SK-0 by Domus Architects 09-03-09 for the design of 28 new spaces at the Fire Administration Building, 61 Dundas Street East, Paris.

4. Whereas at their meeting on February 5, 2008, County Council approved the report of the Emergency Services Committee to authorize staff to implement the necessary steps for realignment of fire services from the Tranquility Fire Hall;

Be it hereby resolved that, pursuant to the provisions of the Municipal Act 2001, the Council of the Corporation of the County of Brant execute a by-law to enter into an Automatic Aid Agreement with the Corporation of the City of Brantford to authorize certain fire protection services within the prescribed fire area of the County of Brant.

Moved by – Councillor Wheat

Seconded by – Councillor Schmitt

That the report of the Emergency Services Committee from its March 24, 2009 meeting be adopted.

. Carried

COMMITTEE OF MANAGEMENT – JOHN NOBLE HOME

Councillor Wheat presented the following report from the April 1, 2009 meeting of the Committee of Management – John Noble Home:

1. John Noble Home Quality Improvement Report – February 2009 (PHSSS2009-17)
That the John Noble Home monthly Quality Improvement Report for February 2009 be received for information.
2. John Noble Home February Monthly Budget Summary (PHSSS2009-18)
That the Monthly Budget Summary for February 28, 2009 for the John Noble Home be accepted as presented.
3. Approval of Medical Director for the John Noble Home (PHSSS2009-19)
That the appointment of Dr. Janice Legere to the position of Medical Director of the John Noble home be approved.

Moved by – Councillor Wheat

Seconded by – Councillor Chambers

That the report of the Committee of Management from its April 1, 2009 meeting be adopted.

. Carried

POLICE SERVICES

Councillor Powell presented the following report from the March 18, 2009 meeting of the Police Services Board, it being agreed that the two recommendations would be dealt with separately:

1. **(Referred to staff for comment and review)** ~~That the County of Brant staff draft and implement a By law to regulate the towing industry with the assistance of the O.P.P. and consider input from tow truck owners and operators and concerned citizens.~~
2. That the County of Brant Police Services Board pay the registration and accommodation fees for Detachment Commander Durant to attend the Ontario Association of Police Services Boards' 47th Annual Conference from the Training and Development section of the 2009 Police Services Board budget.

Moved by – Councillor Powell
Seconded by – Mayor Eddy

That Recommendation 1 of the Police Services Board report from its March 18, 2009 meeting be adopted.

. No Vote – Motion to Refer Follows

Moved by – Councillor Chambers
Seconded by – Councillor Haggart

That Recommendation 1 of the Police Services Board from its March 18, 2008 meeting be referred to staff for comment and review.

. Carried

Moved by – Councillor Powell
Seconded by – Mayor Eddy

That Recommendation 2 of the Police Services Board report from its March 18, 2009 meeting be adopted.

. Carried

TWIN PAD

The Twin Pad Building Committee minutes of March 23, 2009 were received as information. Councillor Coleman advised that a press conference was held today, at which time Jay Wells was introduced as the Honourary Chair of the Twin Pad Fundraising Campaign. Mr. Wells accepted a cheque for \$50,000 from the Paris Minor Hockey Association.

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STAFF REPORTS

Agreement – County of Brant and G. K. York re: Old Town Hall

Moved by – Councillor Haggart
Seconded by – Councillor Powell

That Council approve the agreement between the County of Brant and G. K. York to provide an annual grant to the owner of 13 Burwell Street, Paris (Old Town Hall) for the purposes of preserving the heritage attributes of the property;

And further that the Mayor and the Clerk be authorized to sign the agreement.

. Carried

INFORMATION REPORTS

1. **2008 Reconciled OPP Contract Policing Costs** – report from Heather Mifflin, Deputy Treasurer. Mr. Glassford clarified that the actual 2008 budget surplus to the County was \$90,838.
2. **Branch Creek Drain** – report from Jayne Carman, Clerk

CORRESPONDENCE

1. **Ron Hansen, Friends of Paris Culture re: Brant Cultural Centre Project**

Moved by – Councillor Coleman
Seconded by – Councillor Powell

That the letter from the Friends of Paris Culture dated April 1, 2009, regarding the Brant Cultural Centre Project be received as information.

. Carried

2. Mary Welsh, Brant Waterways Foundation re: payment from County for parcel of land that was sold – **received as information.**
3. Keith Murch, Grand River Conservation Authority, re: 2009 GRCA General Levy – **received as information.**
4. Andrew Eamer, Bureau Commander, Ontario Provincial Police re: 2009 Cost Estimate revision due to new Memorandum of Understanding - **received as information.**
5. **Resolution approved by Brantford City Council on April 6, 2009 to formally withdraw their endorsement of the February 22, 2007 Letter of Intent**
There was general consensus that the resolution would be received by Brant County Council as information, and that a letter of response would be sent to the City advising that the County of Brant agrees to the withdrawal of the Letter of Intent and looks forward to working co-operatively with the City of Brantford on matters of mutual benefit to both municipalities.

PROCLAMATION – BEST START DAY

Moved by – Councillor Gatward
Seconded by – Councillor Coleman

Whereas the Best Start Network consists of community partners and key stakeholders who work together to promote the Best Start program in our community;

And whereas engaging and informing parents about the importance of early learning and development services available in their community is a key component of the Best Start program;

And whereas involved parents help children enjoy learning and be ready for success in school;

Therefore be it resolved that the County of Brant does hereby proclaim April 25, 2009 as “Best Start Day in the County of Brant”.

. Carried

OTHER BUSINESS

1. Invitation to the public launch of the Master Aging Plan on Thursday, April 9, 2009 at noon at the John Noble Home.
2. Information on the Literacy Council of Brantford and District and invitation to participate in Annual Adult Spelling Bee to be held on Wednesday, May 13.
3. Companions Program for AMO Conference – August 16 – 19, 2009 in Ottawa.
4. The presentation by Fire Department staff on the County’s Emergency Response Plan will take place at the April 21 Council meeting.
5. Councillor Schmitt reported on a transport truck which parks in the vicinity of Glen Morris School that has created concerns. This matter was referred to Public Works and By-law Enforcement staff, as well as the Brant County O.P.P. to resolve the situation.
6. Councillor Chambers gave notice of the presentation of the following resolution at the April 21 Council meeting:
“That a draft amendment to the County Procedural By-law be prepared and presented to Council for consideration to restrict delegations that have appeared previously at Committee or Council meetings from speaking on the same issue;
And that alternatively the delegations be encouraged to submit written comments that augment their previous presentations;
And further that the amendment allow for the restrictions to be waived with the approval of Council.”
7. Notification of Luncheon with the Minister of Health on Wednesday, April 15 at the Best Western Brant Park Inn at 11:30 a.m., sponsored by the Chamber of Commerce Brantford Brant.

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In Camera at 8:25 p.m. to discuss legal and property negotiations matters and personal information 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 April 7, 2009.

Open Session at 9:20 p.m., on motion of Councillors Coleman and Wheat.

BY-LAWS

Moved by – Councillor Chambers
Seconded by – Councillor Hodge

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

- By-law Number 38-09 to amend By-law Number 110-01 for property located in Part of Lot 14, Concession 4, geographic Township of South Dumfries to permit residential uses, recognize an existing telecommunications tower and reserve certain lands for open space purposes (Estate of Richard D. Buchanan, 364 McLean School).
- By-law Number 39-09 to amend the Official Plan of the County of Brant for property located in Part of Lot 9, Concession 1, geographic Town of Paris in order to establish medium density residential uses in the form of a Plan of Condominium (Zavarella Construction Ltd., 166 King Edward Street).
- By-law Number 40-09 to amend By-law Number 110-01 for property located in Part of Lot 9, Concession 1, former Town of Paris to permit rowhouse residential development (Zavarella Construction Ltd., north side of King Edward Street).
- By-law Number 41-09 to amend By-law Number 110-01 for property located in Part of Lot 9, Concession 1, former Town of Paris to permit one single detached dwelling (Zavarella Construction Ltd., east side of Dundas Street West).
- By-law Number 42-09 to authorize an agreement with the City of Brantford for the “After School Program”.
- By-law Number 43-09 to authorize an agreement with the City of Brantford for the “Can We Help?” program.
- By-law Number 44-09 to authorize an encroachment agreement with John Anthony Coruzzi and Deborah Elaine Coruzzi for lands at 13 Grand River Street North, Paris.
- By-law Number 45-09 to authorize a tax arrears extension agreement with Douglas Grant Peever.
- By-law Number 46-09 to authorize a Stipulated Price Contract with Norlon Builders London Limited for the addition to the South Dumfries Community Centre.
- By-law Number 47-09 to confirm the proceedings of Council.

. Carried

Moved by – Councillor Chambers
Seconded by – Councillor Hodge

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

- By-law Number 38-09 to amend By-law Number 110-01 for property located in Part of Lot 14, Concession 4, geographic Township of South Dumfries to permit residential uses, recognize an existing telecommunications tower and reserve certain lands for open space purposes (Estate of Richard D. Buchanan, 364 McLean School).

- By-law Number 39-09 to amend the Official Plan of the County of Brant for property located in Part of Lot 9, Concession 1, geographic Town of Paris in order to establish medium density residential uses in the form of a Plan of Condominium (Zavarella Construction Ltd., 166 King Edward Street).
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- By-law Number 45-09 to authorize a tax arrears extension agreement with Douglas Grant Peever.
- By-law Number 46-09 to authorize a Stipulated Price Contract with Norlon Builders London Limited for the addition to the South Dumfries Community Centre.
- By-law Number 47-09 to confirm the proceedings of Council.

. Carried

Moved by – Councillor Chambers

Seconded by – Councillor Hodge

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

- By-law Number 123-08 to provide for drainage works in the County of Brant (Branch Creek Municipal Drain 2008).
- By-law Number 38-09 to amend By-law Number 110-01 for property located in Part of Lot 14, Concession 4, geographic Township of South Dumfries to permit residential uses, recognize an existing telecommunications tower and reserve certain lands for open space purposes (Estate of Richard D. Buchanan, 364 McLean School).
- By-law Number 39-09 to amend the Official Plan of the County of Brant for property located in Part of Lot 9, Concession 1, geographic Town of Paris in order to establish medium density residential uses in the form of a Plan of Condominium (Zavarella Construction Ltd., 166 King Edward Street).
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- By-law Number 45-09 to authorize a tax arrears extension agreement with Douglas Grant Peever.
- By-law Number 46-09 to authorize a Stipulated Price Contract with Norlon Builders London Limited for the addition to the South Dumfries Community Centre.
- By-law Number 47-09 to confirm the proceedings of Council.

. Carried

NEXT MEETING

The meeting adjourned at 9:25 p.m. to meet again on **Tuesday, April 21, 2009 at 7:00 p.m.** in the Council Chambers.

Mayor

Date Minutes Approved

Clerk