

COUNTY OF BRANT COUNCIL MINUTES**SPECIAL MEETING RE: VANELSLANDER BRANCH OF
THE MOUNT PLEASANT DRAIN**

Council Chambers
July 20, 2010
5:38 p.m.

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

Regrets: Councillor Hodge.

Staff: Glassford, Johnston, Bell, DeMunck and Carman.

Others: John Kuntze, K. Smart Associates Limited.

Mayor Eddy in the Chair.

APPROVAL OF AGENDA

Moved by – Councillor Wheat
Seconded by – Councillor Chambers

That the agenda for this special meeting of Council on the VanElslander Branch of the Mount Pleasant Drain be approved as circulated.

. Carried

PRESENTATION OF DRAINAGE REPORT

John Kuntze, K. Smart Associates Limited, advised that the purpose of this report was to construct a new branch drain to the Mount Pleasant Drain to serve a small area of land (1.08 hectares) of land owned by Dave VanElslander, which is proposed to be developed with seven detached condominium units. Although the condominium project will have a storm water management system, the draft plan approval for the project requires that a secure or direct outlet be provided into the Mount Pleasant Drain. Mr. Kuntze advised that the storm water management plan will not allow for any more run-off from the VanElslander property than currently exists and may actually be somewhat less. He noted that an allowance of \$2,000 has been provided in the report for John Borda to allow him to replace an undersized culvert on his property some time in the future. Mr. Borda has indicated that he is satisfied with the current culvert.

Mr. Kuntze outlined that this is a very small drainage project involving 28 metres of closed drain work and erosion protection at the outlet into the Mount Pleasant Drain. The estimated cost for the drainage work is \$36,000, which includes \$13,000 for the construction, \$13,000 for engineering, \$5,000 for construction supervision, \$2,000 for administrative/overhead costs and \$3,000 in allowances. After allowances have been applied, Mr. VanElslander will be responsible for \$35,600 of the estimated \$36,000 cost.

Mayor Eddy declared a public meeting to consider the Engineer's Report for the Branch Creek Municipal Drain dated June 30, 2010 as prepared by K. Smart Associates Limited.

QUESTIONS FROM THE PUBLIC

John Borda, 493 Burtch Road, expressed his disappointment that Council was considering this drainage project, which will drain on to his private property. He questioned why a 12" pipe was being used instead of 4" pipe and suggested that this oversizing was done to accommodate future expansion. He expressed concern that the open waterway will fill with garbage, oil and other contaminants, creating a bigger eyesore than already exists. Mr. Borda questioned whether the underground drainage system on the VanElslander property will be properly maintained. He suggested that the entire Mount Pleasant Drain needs to be addressed, and that this project will add to the problem of water being dumped illegally on his property.

John Kuntze responded that the purpose of the Engineer's Report was specifically for the VanElslander Branch of the Mount Pleasant Drain. The water from the VanElslander property is entitled to drain into the Mount Pleasant Drain, which is a municipal drain. If in the future, there are problems resulting from this Branch, the municipality can make changes to ensure its proper operation. He noted that it is standard and accepted practice to oversize the required pipe for maintenance purposes and restrict the flow through the use of an orifice plate. He advised that the Mount Pleasant Drain will need to be addressed at some time; either at the request of the municipality or by petition from Mr. Borda for improvements. The County cannot deny the right of a property owner to drain into the Mount Pleasant drain because Mr. Borda is not satisfied with the current drain. He pointed out that the Mount Pleasant Municipal Drain ends on Mr. Borda's property and flows into a watercourse on private property.

QUESTIONS FROM COUNCIL

In response to a question about the effect of this drainage work on the Mount Pleasant Drain and the need to review the Mount Pleasant Drain in connection with this project, Mr. Kuntze advised that the drainage from the VanElslander property will have no impact on the Mount Pleasant Drain, and therefore there is no reason to do work on the Mount Pleasant at this time. He explained the process for initiating a drainage petition for work on a municipal drain, noting that this information has been provided to Mr. Borda. Mr. Borda was given the opportunity to replace a culvert on his property as part of the VanElslander drainage report. Mr. Borda has indicated that he is satisfied with the current situation, and accordingly the report provides an allowance of \$2,000 to Mr. Borda to allow him to improve the culvert on his own at a later date.

In response to a concern about excessive run-off in storms, Mr. Kuntze explained that the stormwater management plan for the VanElslander property includes an underground storage area on site where the run-off will be stored for a period of time, so that the drain will only experience normal run-off. This underground storage area has been designed to accommodate a "100-year storm event", so that the drainage from the VanElslander drain will not create flooding or undue hardship on any properties downstream on the Mount Pleasant Drain. The VanElslander drain will be constructed in accordance with the Drainage Act and will have proper outlet to the Mount Pleasant Drain. He noted that there is a private watercourse on the Borda property that is not part of the Mount Pleasant Drain and has no status under the Drainage Act.

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In response to a question, Mr. Borda advised that he has not filed a petition under the Drainage Act for the Mount Pleasant Drain, as he feels a large number of people would be affected by any work that is required to be done, and they do not appear willing to pay their share of the costs. He suggested that the County should be responsible for initiating a petition for the upgrades to the entire Mount Pleasant Drain, rather than him petitioning for upgrades on his property only. Mr. Kuntze clarified that if a petition was submitted for upgrades to the Mount Pleasant Drain, all property owners that fall within the watershed of the drain would be responsible for paying a portion of the costs.

Mr. Kuntze reiterated that the VanElslander Drainage Report is for a small parcel of private property that involves only a small length of drainage pipe and an outlet to the Mount Pleasant Drain, with Mr. VanElslander to be responsible for the costs of this work.

In response to a question, Mr. Kuntze advised that under Section 33 of the Drainage Act, allowances must be given for insufficient outlet. In the VanElslander Drainage report, an allowance of \$2,000 has been given to Mr. Borda to replace one undersized culvert. Mr. Borda was given the opportunity to have the culvert replaced as part of the work on this project, but he has declined since he is satisfied with the current circumstances. Mr. Borda responded that he will replace the culvert in the future if required. He expressed concern about the weeds that are growing along the drain and the silt that has filled the pond on his property.

Mayor Eddy declared the public meeting closed. Mr. Kuntze advised that no names had been withdrawn from the drainage petition, and as such there is a valid petition which allows the drainage work to proceed.

Moved by – Councillor Chambers
Seconded by – Councillor Powell

That the Mount Pleasant Drain, VanElslander Branch report dated June 30, 2010, as prepared by K. Smart Associates Limited be accepted as presented;

That the Clerk be instructed to prepare the necessary by-law for provisional approval;

And that the Court of Revision for the VanElslander Branch of the Mount Pleasant Drain be held at 9:00 a.m. on Thursday, August 12, 2010 in the Brant County Council Chambers.

. Carried

BY-LAWS

Moved by – Councillor Powell
Seconded by – Councillor Chambers

That By-law Number 143-10 to provide for drainage works in the County of Brant for the Mount Pleasant Drain, VanElslander Branch, be now read a first time.

. Carried

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Moved by – Councillor Powell
Seconded by – Councillor Chambers

That By-law Number 143-10 to provide for drainage works in the County of Brant for the Mount Pleasant Drain, VanElslander Branch, be now read a second time and all clauses and preamble be adopted.

. Carried

NEXT MEETING

The meeting adjourned at 6:30 p.m. to meet again at 7:00 p.m. for the regular session of Council.

Mayor

Date Minutes Approved

Clerk