

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL
CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL
SPENCERVILLE MUNICIPAL OFFICE
TUESDAY, MAY 24, 2011
6:30 P.M.**

PRESENT:

Bill Sloan, Mayor
John Hunter, Deputy Mayor
Brenda Ball, Councillor
Charlie Burrell, Councillor
Gerry Morrell, Councillor
Pat Sayeau, Councillor
Joe Scott, Councillor

STAFF:

Russell Trivett, Treasurer
Debra McKinstry, Clerk/Planning Administrator
Shawn Mason, Deputy Treasurer
Dan Belleau, Manager of Public Works

1. Call to Order

Mayor Sloan called the meeting to order at 6:30 p.m.

2. Approval of Agenda

R2011-154

Decision: Moved by: J. Scott seconded by: B. Ball that Municipal Council approves the agenda as amended by the addition of Item 8f) Johnstown Drainage – Elizabeth Street.

Carried

3. Disclosure of Pecuniary Interest

Deputy Mayor Hunter declared interest in respect of items 8c) and 9c) as he has an interest in the associated quarry. He did not participate in the discussion or vote on either matter.

Councillor Morrell declared a non-pecuniary interest in item 9c) as the applicant is his nephew. He did not participate in the discussion or vote on the matter.

4. Delegations

a) Ryan Phelps, Dandelion Festival

Mr. Phelps was present to request Council's support for an upcoming bicycle race to be held in conjunction with North Grenville's Dandelion Festival on May 28, 2011.

Mr. Phelps explained that planning for the race was well in hand when bridge work undertaken by the UCLG created the requirement to change the race course to enter into Edwardsburgh/Cardinal Township on Smith Road, Ventnor Road, County Road 44, and Jochems Road. He requested permission to use the roads, closing them to one-way traffic, noting that police, course marshals, a pace/support van and paramedics will be on site. It is anticipated that the race will involve up to 300 riders from 8:00 am to 5:00 pm. He advised that

Edwardsburgh/Cardinal has been added as a named insured on the Ontario Cycling Association's policy and that the race is a sanctioned event.

In response to a question from Councillor Sayeau, Mr. Phelps advised that the Counties had granted permission for the use of County Road 44.

Councillor Sayeau asked about the length of time proposed for the race and was advised by Mr. Phelps that there would actually be several races during the day separated in 'waves'. Councillor Sayeau said he would not wish to see the roads closed unnecessarily. Mr. Phelps said that all race staff would be linked by radio to ensure that the roads were open whenever possible.

Councillor Morrell asked about notification of the public and Mr. Phelps explained that a door-to-door campaign is planned for Thursday May 26 for residences along the route.

Councillor Sayeau asked if this was to be a one-time event or if this would generate good will towards having future events held in the Township. Mr. Phelps explained that the proposed new route was actually a better bicycle course and said that it is hoped the event will be bigger in the future.

b) Maureen Grasley – Floating Chalets

Mr. & Mrs. Grasley and Mr. Arthur Peterson were present. Mrs. Grasley spoke on behalf of those present. She outlined the events that had happened in the past that had left the chalet owners in a precarious position and said that she had hoped for a more collaborative effort to come to an agreement.

Mrs. Grasley advised Council that the owners are unable to sign the proposed license agreement because the non-exclusive easement clause prevents them from getting the required insurance.

Mrs. Grasley suggested that perhaps the lawyers for both sides should work out the remaining details. She also noted that she understood the provision of a license agreement instead of a lease was designed to protect the chalet owners from taxation, but that the Township is now being assessed for the presence of the chalets.

Councillor Sayeau asked about the assessment roll numbers and staff responded that sub-parcels have been created and tax bills issued and sent. Staff also explained the process for roll number creation under the Planning Act. Councillor Sayeau clarified his understanding that a block assessment for the parcel has now been apportioned to all occupants and that this process results from an appeal to the Assessment Review Board from floating chalet owners in other parts of the Province.

Mrs. Grasley re-iterated her request for a collaborative effort to come to an agreement.

Councillor Scott suggested further legal assistance may be needed in light of the issues such as assessment and insurance that have now been raised. There was a brief discussion of the possibility of giving the authorizing by-law first and second reading only.

Mrs. Grasley requested assurance that the licensees would be permitted to stay until such time as a new agreement is worked out.

c) Evelyn Mallett – Floating Chalets

Mrs. Mallett outlined the history of her land purchase and asked that the property she purchased be cleared of debris. She said that the shed belonging to the chalet owners was blocking access to the lower part of her property.

5. Consent Agenda

R2011-155

Decision: Moved by: G. Morrell seconded by: B. Ball that Municipal Council approves the following items on the consent agenda:

- Minutes of April 25, 2011 Regular Meeting
- Minutes of April 29, 2011 Special Meeting
- Minutes of Committee of the Whole May 2, 2011
- Minutes of Community Development Committee May 9, 2011
- Minutes of Committee of the Whole May 16, 2011
- Minutes of Port Management Committee May 18, 2011
- Request for Exemption to Burn By-law (Heritage Fair)
- Road Use for Cycling Event
- Johnstown Drainage – Elizabeth Street
- Port Accounts

Carried

6. Minutes of Previous Meetings

a) April 25, 2011 Regular Meeting

R2011-156

Decision: Moved by: B. Ball seconded by: G. Morrell that Municipal Council approves the minutes of the regular meeting of Council dated April 25, 2011.

Carried on Consent

b) April 29, 2011 Special Meeting

R2011-157

Decision: Moved by: J. Hunter seconded by: P. Sayeau that Municipal Council approves the minutes of the special meeting of Council dated April 29, 2011.

Carried on Consent

7. Committee Reports

a) Committee of the Whole – May 2, 2011

R2011-158

Decision: Moved by: P. Sayeau seconded by: J. Hunter that Municipal Council approves the minutes of the Committee of the Whole meeting dated May 2, 2011.

Carried on Consent

b) Community Development Committee – May 9, 2011

R2011-159

Decision: Moved by: C. Burrell seconded by: P. Sayeau that Municipal Council approves the minutes of the Community Development Committee meeting dated May 9, 2011.

Carried on Consent

c) Committee of the Whole – May 16, 2011

R2011-160

Decision: Moved by: J. Scott seconded by: B. Ball that Municipal Council approves the minutes of the Committee of the Whole meeting dated May 16, 2011.

Carried on Consent

d) Port Management Committee – May 18, 2011

R2011-161

Decision: Moved by: G. Morrell seconded by: B. Ball that Municipal Council approves the minutes of the Port Management Committee meeting dated May 18, 2011.

Carried on Consent

8. Action and Information Items

a) Brockville General Hospital Surgical Department Closure

Councillor Sayeau noted that a letter had been received today from the Chair of the SELHIN indicating that they were not considering removal of the surgical department at BGH and asked if the resolution still needed consideration. Councillors Burrell and Scott remarked that they would still support the motion, though it might not be necessary. Councillor Morrell suggested a re-wording of the motion to soften the language and put it forward in a more positive vein. Councillor Ball had no comment; Deputy Mayor Hunter said the motion may not be needed at all.

R2011-162

Decision: Moved by: P. Sayeau seconded by: J. Hunter that whereas the Brockville and area community has for years demonstrated its support for Brockville General Hospital by raising millions of dollars in funds and volunteering thousands of hours of time; and Whereas Brockville General Hospital is a major employer and an essential part of the current and future economic and social fabric of our community; and Whereas community hospitals must offer a full range of services, including surgeries, to be viable; and Whereas a proposal to remove surgical services from Brockville General Hospital has been condemned in the community and is undermining ongoing efforts to recruit new health-care professionals; Now therefore be it resolved that the Township of Edwardsburgh/Cardinal requests that the Minister of Health and Long-Term Care demand the South East Local Health Integration Network remove any option to eliminate the surgical department at the Brockville General Hospital from its review of health care services in the region.

Defeated

b) Consent Application B-51-11 (Stobiecki)

Deputy Mayor Hunter noted that the requested lot would be smaller than that permitted under the Official Plan. Staff advised that the OP contained provisions that a smaller lot could be accommodated provided the required studies were done and were satisfactory. Staff also provided information with respect to the second dwelling unit on the property which is proposed for demolition. In response to an inquiry from Councillor Sayeau, staff briefly outlined the relationship between the Official Plan and the implementing Zoning By-law.

R2011-163

Decision: Moved by: B. Ball seconded by: G. Morrell that Municipal Council recommends approval of Severance Application B-51-11 (Stobiecki) conditional upon provision of a satisfactory hydrogeology study and terrain analysis and also conditional upon demolition of the existing derelict house on the retained portion prior to registration of the new deed, as recommended by the Community Development Committee.

Carried

c) Award Gravel Tender

Deputy Mayor Hunter had earlier declared pecuniary interest in this item and removed himself from the Council table. He did not participate in the discussion or vote on the matter.

R2011-164

Decision: Moved by: C. Burrell seconded by: P. Sayeau that Municipal Council awards the tender for supply and placement of crushed rock on municipal roads to G. Tackaberry & Sons Construction Ltd. at a price of \$10.18 per tonne.

Carried

d) Request for Exemption to Burn By-law (Heritage Fair)

R2011-165

Decision: Moved by: J. Hunter seconded by: B. Ball that Municipal Council consents to a small open fire at the Spencerville Mill during the Heritage Fair June 3-5, 2011 for the use of the Brockville Infantry Company's militia muster camp.

Carried on Consent

e) Road Use for Cycling Event

R2011-166

Decision: Moved by: J. Scott seconded by: B. Ball that Municipal Council authorizes the use of municipal roadways on May 28, 2011 from 8:00 a.m. to 4:30 p.m. to accommodate a bicycle race being held in conjunction with the Dandelion Festival in the Municipality of North Grenville.

Carried on Consent

f) Johnstown Drainage – Elizabeth Street

R2011-167

Decision: Moved by: J. Scott seconded by: B. Ball that Municipal Council directs that driveway replacement including reinstatement to asphalt on Elizabeth Street between Fourth and Fifth Streets resulting from drainage correction carried out by the municipality be conducted at Township expense.

Carried on Consent

9. By-laws

a) Member Municipalities Mutual Aid Assistance Agreement

Councillor Sayeau asked if the clause with respect to timely invoicing had been added to the agreement and also what the timing would be for finalization. Staff advised that the Counties' staff were compiling a number of amendments as a result of visiting the member municipalities and that a final agreement, including the requested amendment regarding invoicing, would be brought back to council in due course. Staff also advised that it may take a number of months to gain agreement in principle from all the municipalities involved.

R2011-168

Decision: Moved by: G. Morrell seconded by: J. Scott that the mover be granted leave to introduce a by-law to authorize the execution of a mutual assistance agreement between the member municipalities comprising the United Counties of Leeds & Grenville and this shall constitute first and second reading thereof.

Carried

b) Amend By-law 2001-69 for Collection of Garbage

Councillor Burrell remarked that he would prefer the Township go back to the tag system and that way eliminate the expense of purchasing printed bags.

R2011-169

Decision: Moved by: B. Ball seconded by: J. Scott that the mover be granted leave to introduce a by-law to amend By-law 2001-69 being a by-law to provide for the collection of garbage and other waste material and this shall constitute first and second reading thereof.

Carried

R2011-170

Decision: Moved by: B. Ball seconded by: J. Scott that a by-law to amend By-law 2001-69 being a by-law to provide for the collection of garbage and other waste material be now read a third time and finally passed, signed, sealed and numbered 2011-36.

Carried

c) Development Agreement – Consent Application B-152-10 (Henderson)

Councillor Morrell and Deputy Mayor Hunter had previously declared their interest in the matter. The members removed themselves from the table and did not participate in the discussion or vote on the matter.

R2011-171

Decision: Moved by: P. Sayeau seconded by: C. Burrell that the mover be granted leave to introduce a by-law to authorize the Mayor and Clerk to execute a development agreement with Kenora Farms (Henderson) Ltd. and this shall constitute first and second reading thereof.

Carried

R2011-172

Decision: Moved by: P. Sayeau seconded by: J. Scott that a by-law to authorize the Mayor and Clerk to execute a development agreement with Kenora Farms (Henderson) Ltd. be now read a third time and finally passed, signed, sealed and numbered 2011-37.

Carried

d) Floating Chalet License Agreement

Councillor Sayeau suggested the matter be deferred. He said that he is concerned that there should be consultation between members of Council, the chalet owners and legal counsel and that staff should not be involved in the negotiation.

Councillor Morrell pointed out that an in camera meeting had already been held with the municipal solicitor to receive his advice and that staff had provided all the information available with regard to the assessment to Council. Deputy Mayor Hunter said he felt clarification was needed regarding the insurance issue.

Moved by P. Sayeau and seconded by J. Hunter that consideration of the by-law be deferred. Carried.

10. Financial Report

a) Port Accounts

R2011-173

Decision: Moved by: C. Burrell seconded by: P. Sayeau that Municipal Council approves payment of Port of Prescott invoices on the attached listings:
US Cheque Register April 21, 2011 \$529.00 (US Funds)

Batch No. 11	\$ 13,964.80
Batch No. 12	\$195,125.12
Batch No. 13	\$ 13,886.63

Carried on Consent

11. Mayor's Report

Mayor Sloan highlighted that a letter had been received from the City of Brockville advising that they propose entering into an agreement with the Township such that non-resident user fees are waived for the Brockville Angels Youth Hockey League.

12. Council Inquiries/Notices of Motion

Councillor Sayeau provided a notice of motion regarding filling in of ditches, requesting that it be brought forward at the Committee of the Whole meeting on June 6. Included with the motion was information from South Dundas Township on their policies and process for filling in of open ditches. He said it was his hope that a mechanism would be devised to ensure Township oversight of infilling of ditches. Councillor Ball indicated her support:

Whereas many homeowner taxpayers who take pride in their properties prefer to install culverts, at their own expense, in Township-owned roadside ditches, which enables them to landscape and maintain their properties and ditch right-of-ways to the roadside shoulder, and

Whereas Council recognizes that such infill of roadside ditches enhances the appearance of neighbourhoods and eliminates the safety hazards of water-filled ditches, and

Whereas many such installations have been installed over the years throughout the Township without Township permission or supervision,
Therefore be it resolved that senior staff be directed to bring forward within 90 days a by-law and supporting administrative policy, application forms and permits which will enable residents to apply for a Township-issued permit to install culverts across their front yard ditches and landscape their lawns to the roadside shoulders at their own expense and under the supervision of the Public Works Department.

13. Question Period

Ms. Mathieu asked why a right-of-way was not considered for the chalet owners instead of an easement. She also asked why only GM vehicles were considered as part of the recent truck purchase, and was advised that GM dealers were closest to the Township. Ms. Mathieu asked if there was anything new with regard to the Fire Chief's position and was advised there had been no further discussion. Ms. Mathieu asked if a public meeting had been scheduled for the water meter issue and was advised that it had not yet been planned. She also asked about the proposed review of the mileage rate and was told it would not likely be considered in light of research done by staff.

Mr. Deschamps noted that the issue of the reserve funds were supposed to be on the agenda for tonight's meeting and said he felt he should have been notified that the discussion was not going to take place. Mayor Sloan advised that the discussion will take place at Committee of the Whole on June 6.

Mr. Stitt asked about a floating chalet having been installed on shore on a property on County Road 2. Staff advised they would check into it. Mr. Stitt also asked about tipping fees at the landfill site and was advised that \$30,000 was shown in the budget documents. Mr. Stitt said he was aware of an individual from Prescott who had accessed the landfill site last weekend and Mr. Deschamps suggested the landfill attendants should be asking for proof of residency in the form of a drivers' license.

14. In Camera – None
15. Confirmation By-law

R2011-174

Decision: Moved by: G. Morrell seconded by: J. Scott that the mover be granted leave to introduce a by-law to adopt, confirm and ratify matters dealt with by resolution, and this shall constitute first and second reading thereof.

Carried

R2011-175

Decision: Moved by: G. Morrell seconded by: J. Scott that a by-law to adopt, confirm and ratify matters dealt with by resolution be now read a third time and finally passed, signed, sealed and numbered 2011-39.

Carried

16. Adjournment

R2011-176

Decision: Moved by B. Ball that Municipal Council does now adjourn at 7:58 p.m.

Carried

These minutes were adopted by Council this 27th day of June, 2011.

Mayor

Clerk