

The Corporation of the Township of Brock

Council Minutes

Municipal Administration Building

Session One

Monday, December 10, 2018

The First Meeting of the Council of the Township of Brock, in the Regional Municipality of Durham, was held on Monday, December 10, 2018, in the Municipal Administration Building Council Chamber.

Members present: Mayor: Debbie Bath-Hadden
Regional Councillor: W.E. Ted Smith
Councillors: Michael Jubb
Claire Doble
Walter Schummer
Cria Pettingill
Lynn Campbell

Staff Members present: CAO and Municipal Clerk Thomas G. Gettinby
(recording the minutes)
Deputy Clerk Becky Jamieson
Clerk's Assistant Deena Hunt
Treasurer Laura Barta
Director of Public Works Nick Colucci
Chief Building Official Joe Bonura
Fire Chief Rick Harrison
Facilities Coordinator Joe Underwood
Supervisor of Operations Paul Lagrandeur
Recreation and Leisure Coordinator Alicia Bagshaw
Recreation and Leisure Assistant Abby Harper

1. Call to Order

Chair Debbie Bath-Hadden called the meeting to order at 11:26 a.m.

2. Moment of Meditation / Personal Reflection

3. Declaration of Pecuniary Interest

None

Resolution Number 1-1

MOVED by W.E. Ted Smith and SECONDED by Walter Schummer that Council proceed with the Years of Service Awards.

MOTION CARRIED

11:15 a.m. - Years of Service Awards / Retirement Recognition:

- Len Collins – 20 Years at the Township of Brock
- Joe Underwood – 20 Years at the Township of Brock
- Joe Bonura – 15 Years at the Township of Brock
- Derrick O'Grady – 15 Years at the Township of Brock

Members of Council and Staff gathered to recognize those members of staff receiving their years of service awards. Mayor Bath-Hadden called upon Len Collins, Joe Underwood, Joe Bonura, and Derrick O'Grady to be presented their 20 year and 15 year awards, respectively.

Township staff left the meeting at 11:35 a.m. with the exception of the CAO and Municipal Clerk, Deputy Clerk, Treasurer, Director of Public Works, and Clerk's Assistant.

Resolution Number 2-1

MOVED by W.E. Ted Smith and SECONDED by Lynn Campbell that Council break for a recess at 11:37 a.m.

MOTION CARRIED

Mayor Bath-Hadden reconvened the meeting at 1:10 p.m. with the same members of Council and staff in attendance.

4. Confirmation of Minutes

None

5. Hearing of Deputations – None

6. Petitions - None

7. Communications Submitted to Council

Group One – Receive and File - None

Group Two – Communications Referred to Committee - None

Group Three – Communications Submitted for Action

1943 Maralee Drake – Interoffice Memorandum, Cria Pettingill – Nomination to the 2019-2023 ROMA Board

Mayor Bath-Hadden congratulated Councillor Pettingill for considering the position and advised that she counselled her on the value that extensive local government experience brings to the ROMA Board.

Councillor Pettingill advised that she intends to withdraw her application.

Regional Councillor Smith expressed appreciation for Councillor Pettingill's enthusiasm.

Resolution Number 3-1

MOVED by W.E. Ted Smith and SECONDED by Michael Jubb that communication number 1943 be received for information.

MOTION CARRIED

1991 AMO Communications – 2019 AMO Conference Guest Room Booking Details

Mayor Bath-Hadden enquired as to the interest in attending this conference to which Councillor's Jubb and Pettingill advised in the affirmative. Mayor Bath-Hadden advised that she will attend.

Resolution Number 4-1

MOVED by W.E. Ted Smith and SECONDED by Claire Doble that communication number 1991 be received for information.

MOTION CARRIED

8. Reports of Sub-Committees - None

9. Motions

- 1) Lease Agreement between The Corporation of the Township of Brock and 2382876 Ontario Inc./ Beaverton X-Ray and Ultrasound Services – Beaverton-Thorah Medical Centre

The CAO and Municipal Clerk advised that this lease is for the establishment of a diagnostic unit at the Beaverton-Thorah Medical Centre (BTMC) which will be located in the vacant basement space available. He noted that occupancy may be delayed until January 2019 as renovations are being completed.

Regional Councillor Smith enquired as to tenancy within the building to which the CAO and Municipal Clerk advised all rooms are occupied except for one exam room currently used for storage by Dr. Laudanski.

Regional Councillor Smith expressed concern that there is no advertisement for appointment of the BTMC Board. Mayor Bath-Hadden advised that the current board members have expressed an interest in remaining involved noting that this will be a topic of discussion once Council education has been completed.

Resolution Number 5-1

MOVED by Claire Doble and SECONDED by Michael Jubb that the Mayor and Clerk be, and they are hereby authorized to execute a Lease Agreement between the Township of Brock and 2382876 Ontario Inc./Beaverton X-Ray and Ultrasound Services.

MOTION CARRIED

- 2) Lease Agreement between The Corporation of the Township of Brock and Justin Kouba O/A Beaver River Bait – Parking area beside municipal boat launch at Beaverton Harbour

The CAO and Municipal Clerk advised, for the benefit of new Council members, that a lease agreement is required as this property is municipally owned.

Resolution Number 6-1

MOVED by Claire Doble and SECONDED by Michael Jubb that the Mayor and Clerk be, and they are hereby authorized to execute a Lease Agreement between the Township of Brock and Justin Kouba O/A Beaver River Bait.

MOTION CARRIED

- 3) Site Plan Development Agreement between Durham Region Non-Profit Housing Corporation, The Regional Municipality of Durham and The Corporation of the Township of Brock – Pt Lt 21, Concession 12 Brock

Councillor Jubb requested clarification to which the CAO and Municipal Clerk advised that site plan agreements are provided for under the Planning Act and this agreement is for the construction of a 50 unit apartment building located on the property formerly occupied by Cannington Public School noting it will be operated by Durham Region Non-Profit Housing. He advised that the first agreement encompasses site plan approval and the second agreement relates to the deferral of development charges over a four year period.

Resolution Number 7-1

MOVED by Walter Schummer and SECONDED by Cria Pettingill that the Mayor and Clerk be, and they are hereby authorized to execute a Site Plan Agreement between Durham Region Non-Profit Housing Corporation, The Regional Municipality of Durham, and The Corporation of the Township of Brock.

MOTION CARRIED

- 4) Transfer to Reserves

Resolution Number 8-1

MOVED by W.E. Ted Smith and SECONDED by Michael Jubb

That the Treasurer be authorized to transfer any surplus created by internal equipment rental in 2018 to the Works Capital Reserve Fund for the replacement of equipment in future years;

That the Treasurer be authorized to transfer any 2018 budgeted and unspent funds for legal fees to the Legal Fees Reserve to offset future litigation costs;

That the Treasurer be authorized to transfer 2018 budgeted and unspent funds for the following projects to reserves or held as committed in reserve funds for use in 2019:

Sunderland Town Hall – Railing upgrades, masonry repair, interior painting
Sunderland Town Hall – Refurbishment of exterior doors
HL2 Resurfacing
Double Surface Treatment
Works Yard Expansion-Construction
Bridge #8 and #37 Rehabilitation
Culvert #318 Replacement
Capital Construction Tender Review
Vermeer Wood Chipper
Equipment Trailer
Sidewalk Replacements
Parking Lot Resurfacing
Gravel Placement on Thorah Island
Park Upgrades
Beaverton Harbour Pier/Platform Repairs
Rick MacLeish Memorial Community Centre – Dressing room showers
CIP Rebate/Incentives

Councillor Pettingill enquired as to internal equipment rental to which the Treasurer advised that the costs for the operation of Township owned equipment is tracked (calculated per hour) and charged back in order to fund the replacement of equipment through any surplus created after the actual expenses are considered. The Treasurer advised that the alternative would be to charge all expenses individually to each department.

The CAO and Municipal Clerk advised that this method is preferred versus financing equipment costs through the tax rate. Mayor Bath-Hadden enquired whether the initial cost is on the tax rate and was advised in the affirmative.

Councillor Schummer enquired whether this transfer could be addressed in January to which the Treasurer advised not as the auditors request it be completed prior to year end. He commented that he would like to view the numbers attached to this item expressing concern for budgeting too much work.

The Treasurer advised that the current \$400,000 for equipment will decrease once further expenses are paid out.

Mayor Bath-Hadden expressed concern that too much work is budgeted versus what can be accomplished and will support the motion but requested a list be provided for budget discussions.

The Treasurer advised that final numbers would be provided prior to budget discussions noting that, if there are purchase orders allocated to projects, there is no transfer to reserves. She continued to provide an update of projects for the benefit of Council.

Councillor Jubb requested clarification that \$29,500 is allocated to Thorah Island for gravel and was advised in the affirmative.

Councillor Doble enquired as to why projects are budgeted and not started to which the Director of Public Works advised that most large projects have commenced noting that design approvals can be lengthy and some projects are larger than originally anticipated.

Councillor Doble enquired as to the status of the Beaverton Pier to which the Director of Public Works advised that the matter involves the divestiture of the harbour noting that we are awaiting a deputation from Small Craft Harbours.

Resolution Number 8-1

MOVED by W.E. Ted Smith and SECONDED by Michael Jubb

That the Treasurer be authorized to transfer any surplus created by internal equipment rental in 2018 to the Works Capital Reserve Fund for the replacement of equipment in future years;

That the Treasurer be authorized to transfer any 2018 budgeted and unspent funds for legal fees to the Legal Fees Reserve to offset future litigation costs;

That the Treasurer be authorized to transfer 2018 budgeted and unspent funds for the following projects to reserves or held as committed in reserve funds for use in 2019:

Sunderland Town Hall – Railing upgrades, masonry repair, interior painting
Sunderland Town Hall – Refurbishment of exterior doors
HL2 Resurfacing
Double Surface Treatment
Works Yard Expansion-Construction
Bridge #8 and #37 Rehabilitation
Culvert #318 Replacement
Capital Construction Tender Review
Vermeer Wood Chipper
Equipment Trailer
Sidewalk Replacements
Parking Lot Resurfacing
Gravel Placement on Thorah Island
Park Upgrades
Beaverton Harbour Pier/Platform Repairs
Rick MacLeish Memorial Community Centre – Dressing room showers
CIP Rebate/Incentives

MOTION CARRIED

10. Consideration of By-laws

- 1) By-law Number 2821-2018-AP – to amend By-law Number 2356-2011-AP, as amended, being a By-law to regulate the proceedings of Council, pursuant to Section 238(2) of the Municipal Act, S.O. 2001, as amended.

Due to changes in the schedule this by-law was deferred.

11. General Items and Enquiries

- 1) 2019 Schedule of Council and Committee Meetings

Resolution Number 9-1

MOVED by Michael Jubb and SECONDED by Claire Doble that Council request staff to implement a Council schedule that will see Committee meetings to commence at one o'clock p.m., also implement Council meetings to commence at seven o'clock p.m., both on Mondays. This schedule is to be revisited at the end of June 2019 and begin the 7th of January, 2019.

Councillor Jubb advised that the proposed changes to the schedule are to increase public engagement as working persons cannot attend daytime meetings.

Councillor Doble concurred with Councillor Jubb's comment.

Councillor Schummer advised that he supports public engagement, however, evening meetings were tested previously and did not result in an increase in attendance. He expressed concern for the timing of the meetings and decision making at the end of the day noting that Brock Non-Profit Housing (BNPH) meetings would be affected and there would be a financial impact with respect to staff hours. He advised that he would not support the motion.

Councillor Campbell expressed concern for the BNPH meetings and the special Planning meetings that are held on Monday evenings enquiring whether they could follow a Council meeting to which the CAO and Municipal Clerk advised it is not recommended as there would be a potential conflict with the 10:30 p.m. curfew. She advised that she would support the motion if it is beneficial for new Council members and the public.

Councillor Pettingill advised that she agrees with Councillor Schummer's comments.

Regional Councillor Smith advised that during his first term on Council (2006-2010) there were 6 night meetings offered with 4 offered in his second term (2010-2014) noting that it resulted in no extra attendance by the public. He noted that the public attends meetings which directly affect them and enquired as to the rationale for afternoon meetings to which Councillor Jubb advised that it is difficult for the public to attend Monday morning meetings. Regional Councillor Smith advised that he would not support the motion and expressed concern for Council deputations.

Mayor Bath-Hadden agreed that the public attends meetings that affect them directly but noted that an effort should be made to engage the public and it could be treated as a pilot project to June.

Councillor Campbell enquired as to deputations at evening meetings to which the CAO and Municipal Clerk advised that deputations are directed to the appropriate Council/Committee depending on the subject matter.

Councillor Schummer enquired as to the financial impact to which Mayor Bath-Hadden noted that only Clerk's staff would attend the evening meetings. The Treasurer advised that most municipal department heads attend all meetings. Mayor Bath-Hadden advised that department heads are salaried positions and are provided time in lieu. The CAO and Municipal Clerk advised that the Treasurer traditionally attends the Council and Finance meetings noting that the financial impact for the one non-salaried employee would be approximately \$2,500 - \$5,000 annually depending on the length of the meetings. The CAO and Municipal Clerk advised that it might be possible to conclude Committee meetings within a three hour timeframe depending on the agenda and proceeded with an explanation of lieu time provided to department heads.

Councillor Doble enquired as to flexible hours to which the CAO and Municipal Clerk advised that it would not be feasible for the Clerk's Department and there is a public expectation that staff be available to serve them during regular business hours.

Regional Councillor Smith expressed concern for the expectations on staff that are already high and the possibility of 'burn-out'. Mayor Bath-Hadden advised that it may be necessary to consider extra support for staff to alleviate burn-out.

Regional Councillor Smith requested a recorded vote.

Resolution Number 9-1

MOVED by Michael Jubb and SECONDED by Claire Doble that Council request staff to implement a Council schedule that will see Committee meetings to commence at one o'clock p.m., also implement Council meetings to commence at seven o'clock p.m., both on Mondays. This schedule is to be revisited at the end of June 2019 and begin the 7th of January, 2019.

Recorded Vote

Yeas

Debbie Bath-Hadden
Lynn Campbell
Claire Doble
Michael Jubb

Nays

Cria Pettingill
Walter Schummer
W.E. Ted Smith

MOTION CARRIED

2) Years of Service

Resolution No. 10-1

MOVED BY W.E. Ted Smith and SECONDED BY Michael Jubb that Brock Township Council acknowledge the following Years of Service:

- Len Collins – 20 Years at the Township of Brock
- Joe Underwood – 20 Years at the Township of Brock
- Joe Bonura – 15 Years at the Township of Brock
- Derrick O'Grady – 15 Years at the Township of Brock

MOTION CARRIED

3) Mayor Debbie Bath-Hadden – Report to Council

Mayor Bath-Hadden commended staff for their efforts on the Inaugural Meeting. She advised that herself and Regional Councillor Smith were sworn in at the Regional Council meeting last Wednesday and that Ms. Kathy Weiss, Durham Region Director of Economic Development and Tourism is retiring this Friday.

4) Regional Councillor W.E. Ted Smith – Report to Council

Regional Councillor Smith advised that he was pleased with the Inaugural Meeting and the Regional Council has 15 new people out of 29. He congratulated the local Santa Claus Parade Committees. He noted the difficulty that the KRCA is experiencing with respect to having quorum for meetings.

5) Councillor Michael Jubb

Councillor Jubb requested an update with respect to the negotiations concerning Ball Avenue and the Talbot Dam reconstruction. The CAO and Municipal Clerk advised that the Township owns vacant property and was approached by the general contractor for Parks Canada to utilize the vacant property for access and staging. He advised that a community meeting was held with the previous Mayor in attendance which produced a list of concerns including no approval for staging activities on Township property with access only. He advised that the draft lease was prepared and is awaiting the determination of the successful bidder for execution.

Councillor Jubb enquired whether he could be provided with a copy of the lease to which the CAO and Municipal Clerk advised in the affirmative, provided it is not distributed.

Mayor Bath-Hadden enquired as to the list of concerns and was advised it could be provided.

6) Councillor Lynn Campbell

Councillor Campbell noted that \$1,263 has been collected for the food bank.

Resolution Number 11-1

MOVED by Lynn Campbell and SECONDED by Michael Jubb that we request a written legal opinion from the Township lawyer regarding the implications of

repealing the zoning by-law to allow 61 more houses in Phase 2 of Kaitlin subdivision in Sunderland, Alternately, a conference call could be held with Council to provide this information.

Mayor Bath-Hadden advised that the Concerned Citizens of Sunderland (CCS) submitted an appeal to the Local Planning Appeal Tribunal (LPAT) for the by-law for Phase 2 of the Kaitlin subdivision (smaller lots and more houses) and that the LPAT would accept written submissions from both parties. She advised that the CCS sent their written submission last Tuesday and the Township has 10 days to respond. She noted that Council has an opportunity to rescind the by-law and ask the developer to consider a different one, however, this would open up a quagmire.

The CAO and Municipal Clerk advised that the LPAT received the appeal and deemed it valid on November 17, 2018 and the merits of the appeal will be addressed at a later date. He advised that the appellant filed a written submission on November 27 and the Township will forward a written submission in response prior to December 17 through our solicitor. He advised that the LPAT case management process could lead to both party's providing oral evidence and that adjudication would be based on the written material before the LPAT. He advised that the Township solicitor advised against repealing the by-law which is now in the jurisdiction of the LPAT.

Mayor Bath-Hadden advised that the CCS strongly believe in repealing the by-law due to the lack of a section 37 provision. She expressed concern for the financial impact to the Township to engage planners and legal counsel with respect to repealing the by-law and defending against the developer advising that she wants resolve on the issue. She noted that she respects both the CCS and Township's positions and intends to meet with the Kaitlin developers to discuss the issue and come to an affordable resolution. She advised of the importance of creating a mutually respectful relationship with the developer given that the Kaitlin Corporation will continue to be a developer within the Township. She requested that respect be given for the delicate situation both herself and Councillor Campbell are in and people refrain from commenting on social media. In closing, she advised that she intends to meet with the CCS within 3 days and wants to meet with Kaitlin noting that, as the CAO and Municipal Clerk stated, the by-law is in place by the previous Council.

Councillor Schummer enquired as to the cost for the appeal to which the CAO and Municipal Clerk advised at the expense of the developer and appellant. He enquired as to Council meeting with Kaitlin to which Mayor Bath-Hadden advised it would be beneficial to have them make a deputation in the future to express their vision for the remainder of the property, however, at this time it would be a one to one meeting. He requested that today's information be passed along to the CCS.

Regional Councillor Smith advised that the previous Council adopted the by-law in a vote of 6 out of 7 in favour and 5 of those 7 did not return to Council. He expressed concern that we are responding to a social media issue and people had the opportunity to be in attendance today if they felt it a concerning issue. He commented that previous Council members were criticized for a lack of transparency and back-door meetings which is no different than the plans discussed today which could pose 'back lash' comments but noted that he supports both meetings. He acknowledged that the CCS has existed for some time and is interested in the membership of the group as he has heard from some citizens of Sunderland that they are in favour of the development. He advised that the previous Council did not make a mistake and he does not believe there is a basis for the appeal noting that it would be better to work with the developer than against them.

Councillor Pettingill enquired as to the solicitor's opinion to which the CAO and Municipal Clerk advised that they have advised the matter is in the jurisdiction of the LPAT and to attempt to repeal the by-law would invite an appeal by Kaitlin financed at the expense of the taxpayer.

Councillor Campbell expressed concern that the offer from Kaitlin to buy back parkland would result in more housing developed and she would prefer to see

funds be allocated to the arena refurbishment as opposed to legal fees. She advised that a section 37 provision can be attached to a zoning by-law for municipal projects to which the CAO and Municipal Clerk clarified that section 37 can be invoked only when the developer is applying to increase the density beyond the official plan target noting that the previous Planning Committee of Brock approved the application ahead of section 37 discussions.

Mayor Bath-Hadden advised that the intention is to move forward positively as this is precedent setting in the Township and obtaining a written legal opinion takes the onus off the CAO and Municipal Clerk.

The CAO and Municipal Clerk advised that he has no issue with the resolution, however, noted that the information obtained would remain undisclosed to the public under solicitor/client privilege.

Resolution Number 11-1

MOVED by Lynn Campbell and SECONDED by Michael Jubb that we request a written legal opinion from the Township lawyer regarding the implications of repealing the zoning by-law to allow 61 more houses in Phase 2 of Kaitlin subdivision in Sunderland, Alternately, a conference call could be held with Council to provide this information.

MOTION CARRIED

7) Public Questions and Clarifications

Ms. Olga Kuzmich, Cannington resident – enquired as to how long the Township has not had a planner to which the CAO and Municipal Clerk advised that the Planning and Economic Development Co-ordinator left in November 2017.

Ms. Kuzmich enquired as to why a section 37 wasn't considered by the previous Council to which the CAO and Municipal Clerk advised that the planner's report indicated that the increase met the targets established within our official plan.

12. Confirmation By-law

By-law Number 2822-2018-AP – to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on December 10, 2018.

Resolution No. 12,13,14-1

By-law Number 2822-2018-AP – to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on December 10, 2018, was read three times and passed in open Council. The Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

13. Adjournment

Resolution Number 15-1

MOVED by W.E. Ted Smith and SECONDED by Lynn Campbell that we do now adjourn at 3:50 p.m.

MOTION CARRIED

MAYOR

CLERK