

Minutes of the Council of Beaconsfield

Minutes of the City of Beaconsfield's special Municipal Council meeting, held at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Québec, on Wednesday, July 17, 2019, at 8:30 a.m.

WERE PRESENT:

His Honour the Mayor Georges Bourelle and Councillors Karen Messier, Robert Mercuri, David Newell, Roger Moss, Al Gardner

ABSENT:

Councillor Dominique Godin

ALSO PRESENT:

Patrice Boileau, Director General, Nathalie Libersan-Laniel, City Clerk and Director of Public Affairs, Julia Levitin, Assistant City Clerk

1. OPENING OF MEETING

His Honour the Mayor calls the meeting to order.

2. AGENDA

2.1 Adoption of the agenda of the City of Beaconsfield's special Council meeting of Wednesday, July 17, 2019, at 8:30 a.m.

2019-07-281 It is moved by Councillor Karen Messier, seconded by Councillor Robert Mercuri and UNANIMOUSLY RESOLVED to adopt the agenda of the City of Beaconsfield's special Council meeting of Wednesday, July 17, 2019, at 8:30 a.m., as presented.

5. PUBLIC QUESTION PERIOD

His Honour the Mayor makes a statement reiterating City's opposition concerning the establishment of a special planning zone (SPZ). He deplores its unjustifiable negative impact on properties near Lac Saint-Louis that are included in this zone in Beaconsfield despite the fact that none of the targeted residences were flooded in 2017 nor 2019.

His Honour the Mayor provides an update regarding the steps taken by the City in order to be removed from the flood zone map including, but not limited to, requesting a meeting with government officials, passing a first resolution in order to be excluded from the map and a second one listing the properties to be removed.

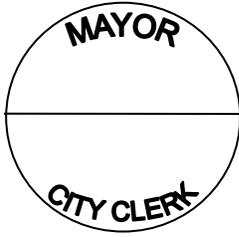
His Honour the Mayor indicates that the City may also be considering legal action in order to rectify the situation. A decision will be made after August 19, 2019.

Today Council has the intention to adopt a new resolution considering the small amount of properties removed from the SPZ by the government following City's opposition.

The City Clerk announces the beginning of the public question period.

A resident thanks Councillor Messier and His Honour the Mayor for their involvement in this matter. He suggests that the declaration be filled by the City instead of individually by each resident. He also suggests that the City contacts municipalities that were removed from the map in order to inquire about their modus operandi. He is preoccupied that City revenues will be affected by the decrease in value of the properties concerned by the SPZ.

His Honour the Mayor indicates that the City intends to intervene as a whole. Once this new resolution is passed, the City will attach it to the opposition forms filled by the affected residents and send everything to the government. With regards to contacting other municipalities, he indicates that most of them don't have waterfront, hence the reason for the removal from the ZPS. Concerning taxes, he mentions that City's



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budget will not change. However, all the residents are concerned by the situation because more taxes will have to be paid by each property in order to compensate the overall decrease in taxes.

A resident suggests a different approach by including factual base in responses provided by the City to the government and by being less emotional while debating the matter.

His Honour the Mayor indicates that the City followed proper procedure by sending a polite letter with a resolution and by requesting a meeting with the government officials. Mr. Boileau adds that an important amount of data has been shared with the government. However, this information has been ignored.

A resident suggests an individual approach instead of the general approach of the City. He also asks whether the City will continue sharing information with the residents concerned by the current situation.

His Honour the Mayor indicates that the resolution adopted by the City referred to every property concerned by the SPZ. He adds that information will continue to be shared with residents.

A resident states that the government may have used obsolete postwar data in order to draw the flooding line.

His Honour the Mayor indicates that the government did not indicate the information used in order to determine the flood zone.

A resident compliments the Mayor on his efforts in trying to fix the current situation and in keeping the residents updated. He suggests communicating with each of the affected residents in order to encourage them to protect their properties.

His Honour the Mayor indicates that the City is planning to collaborate with the residents.

A resident suggests hiring a land surveyor firm in order to obtain technical data. Other residents agree with the suggestion and offer to contribute to the financing of such survey.

His Honour the Mayor takes note of the suggestion.

A resident asks whether other properties that are not directly affected by the SPZ will be equally penalized. He also complains that the Special Council Meeting is held during business hours preventing some residents from attending the meeting.

His Honour the Mayor indicates that only items on the Agenda can be subject to questions. As to the Special Council Meeting, it constitutes an emergency meeting considering the current situation.

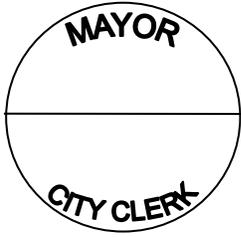
The question period ends at 9:09 a.m.

60. GENERAL

60.1 Opposition to the provincial Order 817-2019 which came into force on July 15, 2019, concerning the establishment of a special planning zone (SPZ) and its effects on all properties within the territory of the City of Beaconsfield

2019-07-282 CONSIDERING the tabling on June 17, 2019, by the Government of Québec, of a draft Order concerning the establishment of a special planning zone (SPZ) in relation with the spring floods of 2017 and 2019;

CONSIDERING that the draft Order identified 197 waterfront properties in the City or near Lac Saint-Louis as mentioned in resolution 2019-07-278 adopted by Council on July 8, 2019;



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CONSIDERING that this draft Order has the effect of creating a freeze on the affected territory and therefore, prohibits the municipality from issuing most of the necessary permits and certificates, in particular for the construction, extension, and other types of certificates on the concerned properties;

CONSIDERING that the City of Beaconsfield met with the Ministry of Municipal Affairs and Housing (MAMH) on July 2, 2019, and expressed its opposition to the SPZ map in its current form;

CONSIDERING that the City unanimously adopted resolution 2019-07-276 on July 8, 2019, opposing the provincial draft Order concerning the establishment of a special planning zone (SPZ) and its effects on properties near Lac Saint-Louis which are included in this area of Beaconsfield;

CONSIDERING the MAMH Deputy Minister's commitment regarding the withdrawal of the territory of Beaconsfield from the SPZ at the meeting of July 2, 2019;

CONSIDERING that following the tabling of this draft Order, a public consultation was held on July 4, 2019, by the Ministry of Municipal Affairs and Housing (MAMH), the Ministry of the Environment and the Fight against Climate Change (MELCC) and the Ministry of Public Security (MSP);

CONSIDERING that, at this July 4 meeting, the comments made by the persons present essentially concerned the delimitation of the flooded territory in 2017 and 2019 and the flood zones;

CONSIDERING that at this meeting, the citizens have questioned the methodology used, since some targeted territories were never flooded, including that of the City of Beaconsfield;

CONSIDERING that following the adoption of Provincial Order 817-2019 which came into force on July 15, 2019, the City once again notes that 175 properties within its territory remain within the SPZ;

CONSIDERING that no building was flooded in Beaconsfield in 2017 and 2019;

CONSIDERING that there is no mapping of the flood zone establishing the 20-year flood zone on the territory of the City of Beaconsfield, along Lac Saint-Louis;

CONSIDERING that in 2017, the Lac Saint-Louis level reached 22.56 metres and in 2019, it was 22.54 metres measured at the Pointe-Claire hydrometric station;

CONSIDERING that these levels are below the 20-year flood level of 22.75 meters, which is the basis of the establishment of the SPZ, and that therefore, it demonstrates that there has been no 20-year floods on the territory of the City of Beaconsfield;

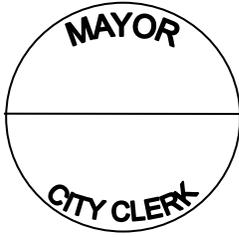
CONSIDERING that the City has until August 19, 2019, to send its requests for revision of the SPZ to the provincial government;

CONSIDERING that the review period falls into the summer season and many owners will not be informed and treated fairly in this revision process;

CONSIDERING that, in the absence of data mapping the 20-year flood zone, it is unrealistic for the City to collect information, studies and measures in order to deposit requests for revision within the prescribed deadline;

CONSIDERING that the City is unable to verify the accuracy of the information related to the establishment of the new SPZ;

CONSIDERING that the Communauté métropolitaine de Montréal did not publish aerial photographic records of the lands on Lac Saint-Louis during the floods of 2017 and 2019;



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CONSIDERING the letter dated July 5, 2019, from the City of Montreal's General Manager confirming that there were no floods in 2017 and 2019 for the properties located along Lac Saint-Louis;

CONSIDERING that the hydrographic data from Environment Canada demonstrate the improbability of flooding in Beaconsfield, especially since the implementation of the sea routes in 1958;

CONSIDERING that the revised SPZ remains erroneous in many places regardless of the reality on the ground;

CONSIDERING that the Government of Quebec's Order will have significant negative repercussions on all properties of the City by affecting the value and the insurability of the properties;

CONSIDERING that the City of Beaconsfield is in favour of establishing sound management of the flood zones;

CONSIDERING that a partial analysis of the topography of the City carried out by "LiDAR" (Light Detection and Ranging) technology demonstrates that the limits of the area proposed by the Order are largely exaggerated and incorrect;

WHEREAS to date, the government acknowledges the persistent inaccuracies in its maps, as publicly agreed by Minister Andrée Laforest;

It is moved by Councillor Robert Mercuri, seconded by Councillor Karen Messier and UNANIMOUSLY RESOLVED:

THAT Council reiterate its justified and well-founded opposition to the special planning zone (SPZ) that came into effect on July 15, 2019, since it does not reflect the reality of the City of Beaconsfield;

THAT Council request the Minister of Municipal Affairs and Housing to amend the Order in such a way as to exclude any portion of land of the City of Beaconsfield from the SPZ in accordance with the historical reality of our territory in this area;

THAT Council mandate Marc-André LeChasseur of Bélanger Sauvé law firm, to evaluate the legal options available to the City of Beaconsfield concerning the application of Order 817-2019 and any subsequent Ministerial Order;

THAT the City Clerk be mandated and authorized to sign or provide any necessary documentation to be submitted to the Ministry or any other body to give effect to the present resolution; and

THAT copies of this resolution be forwarded to the Premier of Quebec, Mr. François Legault, the Minister of Municipal Affairs and Housing, Ms. Andrée Laforest, the Minister of the Environment and the Fight Against Climate Change, Mr. Benoit Charette, the Minister Responsible for the Metropolis and the Montréal Region, Ms. Chantal Rouleau, the Member of National Assembly for Jacques-Cartier, Mr. Gregory Kelley, the mayors of the related municipalities bordering Lac Saint-Louis, and to the citizens by posting this resolution on the City's website.

95. **CLOSING OF MEETING**

It is moved by Councillor Robert Mercuri, seconded by Councillor Karen Messier and UNANIMOUSLY RESOLVED to close the special Council meeting at 9:14 a.m.

MAYOR

CITY CLERK