

THE CORPORATION OF THE TOWNSHIP OF TAY
REGULAR COUNCIL MEETING
WEDNESDAY, JULY 9th, 2008
7:00 P.M.

PRESENT: Mayor Scott Warnock
Deputy Mayor Michael Ladouceur
Councillor Nelson Baumgardner
Councillor Rick Black
Councillor Axel Frandsen
Councillor James Pearsall
Councillor Bill Rawson

STAFF PRESENT: Simone Latham, C.A.O.
Alison Thomas, Clerk
Mara Burton, Director of Planning & Development
Joanne Sanders, Director of Finance
Herb Proudley, Director of Public Works
Brian Thomas, Fire Chief
Cyndi Bonneville, Administrative Support

ABSENT: Councillor Bill Rawson

1. CALL TO ORDER:

Mayor Warnock called the meeting to order at 7:00 p.m.

2. MOMENT OF SILENT REFLECTION:

Mayor Warnock called for a moment of silence.

3. DECLARATIONS OF INTEREST:

There were no declarations of interest.

4. CORRESPONDENCE:

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

**THAT THE CORRESPONDENCE BE DIRECTED TO FILE WITH THE
EXCEPTION OF THOSE ITEMS BEING REFERRED TO COMMITTEE
CHAIRPERSONS.**

CARRIED.

5. DELEGATIONS:

There were no delegations.

6. MUNICIPAL REPORT NO. 2008-07-01:

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT MUNICIPAL REPORT NO. 2008-07-01 BE AND IS HEREBY ADOPTED AS FOLLOWS:

- | | | |
|--------------------|---------------------|---------------------|
| 1. CARRIED. | 7. CARRIED. | 13. CARRIED. |
| 2. CARRIED. | 8. DEFERRED. | 14. CARRIED. |
| 3. CARRIED. | 9. CARRIED. | 15. CARRIED. |
| 4. CARRIED. | 10. CARRIED. | 16. CARRIED. |
| 5. CARRIED. | 11. CARRIED. | 17. CARRIED. |
| 6. CARRIED. | 12. CARRIED. | 18. CARRIED. |

CARRIED.

7. OTHER BUSINESS:

7.1 Verbal Report – Clerk – Appointments – Community Emergency Management Coordinator (CEMC) and Alternates

Council received a verbal report from the Clerk with respect to the appointment of the Community Emergency Management Coordinator and the Alternates.

The Clerk spoke to the matter and advised that the related By-laws will be presented to Council for consideration later in the meeting.

7.2 Report – Dir. Of Planning & Development – Red Line Revisions & Extension of Draft Plan Approval –Victoria Glen - Reo Global Ventures Ltd.:

Council reviewed a report from the Director of Planning & Development under date of June 25th, 2008 with respect to an application to redline revisions and an extension of draft plan approval for Victoria Glen Subdivision.

The Director spoke to the matter and responded to questions brought forth.

MOVED BY: COUNCILLOR AXEL FRANDBSEN

SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

THAT THE REDLINE REVISIONS FOR THE VICTORIA GLEN SUBDIVISION, VICTORIA HARBOUR – REO GLOBAL VENTURES, FILE NUMBER TA-T-93026 IDENTIFIED ON THE PLAN PREPARED BY C. C. TATHAM AND ASSOCIATES LTD. AND DATED MAY 2, 2008, BE APPROVED.

CARRIED.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT THE DRAFT PLAN CONDITIONS FOR THE VICTORIA GLEN SUBDIVISION, VICTORIA HARBOUR – PINE REO, FILE NUMBER TA-T-93026 BE REVISED TO REFERENCE THE NEW PLAN PREPARED BY C. C. TATHAM AND ASSOCIATES LTD., DATED MAY 2, 2008;

Cont'd...

AND FURTHER THAT THE DRAFT PLAN APPROVAL BE EXTENDED FOR ONE YEAR TO JANUARY 14, 2009 AND THAT THE FOLLOWING DRAFT PLAN CONDITION BE ADDED “THAT PRIOR TO REGISTRATION OF LOT 42, A BLOCK BE DEDICATED TO THE MUNICIPALITY OVER LOT 42, OR THAT LANDS WEST OF LOT 42 BE DEDICATED, FOR A WALKWAY TO CONNECT TO THE TAY SHORE TRAIL.”

CARRIED.

7.3 Report – Dir. of Plan. & Development – Re: Red Lines Revisions of Draft Plan Approval – Skyline Port McNicoll – Skyline International

Council reviewed a report from the Director of Planning & Development under date of June 25th, 2008 in regard to an application for redline revisions for the Skyline Port McNicoll development.

MOVED BY: COUNCILLOR AXEL FRANSEN

SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

THAT THE REDLINE REVISIONS FOR THE SKYLINE PORT MCNICOLL PHASE 1A OF VACANT LAND CONDOMINIUM – SKYLINE INTERNATIONAL, FILE NUMBER TA-T-09602 IDENTIFIED ON THE PLAN PREPARED BY SKELTON BRUMWELL AND ASSOCIATES LTD. AND DATED AUGUST, 2007 AND REVISED APRIL 16TH, 2008, BE APPROVED.

CARRIED.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANSEN

THAT THE DRAFT PLAN CONDITIONS FOR THE SKYLINE PORT MCNICOLL PHASE 1A PLAN OF VACANT LAND CONDOMINIUM – SKYLINE INTERNATIONAL, FILE NUMBER TA-T-0602 BE REVISED TO REFERENCE THE NEW PLAN PREPARED BY SKELTON BRUMWELL AND ASSOCIATES DATED AUGUST 2007 AND REVISED APRIL 16TH, 2008.

CARRIED.

7.4 Report – Dir. of Plan. & Development – Re: Proposed ZBA – 53 Mill Rd. – 520456 Ontario Limited:

Council received a report from the Director of Planning & Development under date of June 25th, 2008 in regard to a proposed application to rezone lands known as 53 Mill Road.

The Director spoke to the report and responded to questions brought forth.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT APPLICATION NO. 2008ZBA06 TO REZONE 53 MILL ROAD FROM THE PRESTIGE INDUSTRIAL “M2” ZONE TO THE PRESTIGE INDUSTRIAL EXCEPTION THREE “M2-3” ZONE BE APPROVED.

CARRIED.

7.5 Report – Dir. of Planning & Development – Re: Skyline International Phase 1A:

Council reviewed a report from the Director of Planning & Development under date of June 27th, 2008 in regard to an application to rezone lands as submitted by Skyline Port McNicoll Developments Inc.

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT APPLICATION NO. 2008ZBA05 TO REZONE PART OF LOT 15, CONCESSION 6 AND BEING ALL OF REFERENCE PLAN 51R-30505, FROM THE VILLAGE RESIDENTIAL EXCEPTION EIGHTEEN “R2-18” ZONE AND THE OPEN SPACE “OS” ZONE TO THE VILLAGE RESIDENTIAL EXCEPTION TWENTY-SEVEN “R2-27” ZONE, THE VILLAGE RESIDENTIAL EXCEPTION TWENTY-EIGHT “R2-28” ZONE AND TO THE OPEN SPACE EXCEPTION THREE “OS” ZONE BE APPROVED.

CARRIED.

7.6 Memo – Dir. of Planning & Development – Re: 49 Industrial Rd.:

Council received for information a memo from the Director of Planning & Development in regard to the zoning of 49 Industrial Road.

7.7 Verbal – Clerk – Re: Appointment – Canine Control Officers:

Council received a verbal report from the Clerk with respect to the appointment of canine control officers.

The Clerk spoke to the matter and advised that the related By-law will be presented to Council for consideration later in the meeting.

7.8 Verbal – Dir. of Planning & Development - Re: Appointments – Building Inspectors:

Council received a verbal report from the Director of Planning & Development with respect to the appointment of Building Inspectors.

The Director spoke to the matter and advised that the related By-law will be presented to Council for consideration later in the meeting.

7.9 Report – Dir. of Public Works – Re: Tender for Port McNicoll & Victoria Harbour Watermain Improvements:

Council reviewed Report No. 08-47 from the Director of Public Works in regard to the tender for the Port McNicoll and Victoria Harbour Watermain Improvements.

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT THE TENDER SUBMITTED BY PENNORTH GROUP LIMITED FOR PORT MCNICOLL AND VICTORIA HARBOUR WATERMAIN IMPROVEMENTS CONTRACT NO. 2008-21 IN THE AMOUNT OF \$771,240.30 INCLUDING TAXES BE ACCEPTED SUBJECT TO RECEIPT OF APPROVAL BY THE MINISTRY OF ENVIRONMENT.

CARRIED.

7.10 Report - Dir. of Public Works – Re: Tender for Hot Mix Asphalt:

Council reviewed Report No. 08-45 from the Director of Public Works in regard to the tender for Hot Mix Asphalt.

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR JIM PEARSALL

THAT THE TENDER SUBMITTED BY HARNDEN & KING CONSTRUCTION INC. (LAFARGE) FOR HOT MIX ASPHALT IN THE AMOUNT OF \$316,558.73 INCLUDING TAXES BE ACCEPTED.

CARRIED.

7.11 Report - Dir. of Public Works – Re: Tender for Granular Material:

Council reviewed Report No. 08-46 from the Director of Public Works in regard to the tender for Granular Material.

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR JIM PEARSALL

THAT THE TENDER SUBMITTED BY LAFARGE CANADA LTD. FOR GRANULAR MATERIALS IN THE AMOUNT OF \$92,330.28 INCLUDING TAXES BE ACCEPTED.

CARRIED.

7.12 Report - Dir. of Public Works – Re: Municipal Road and Bridge Infrastructure Investments:

Council reviewed Report No. 08-48 from the Director of Public Works in regard to the Municipal Road and Bridge Infrastructure investments.

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT THE ADDITIONS TO THE PROPOSED PROGRAM FOR MUNICIPAL ROAD AND BRIDGE INFRASTRUCTURE INVESTMENT AS DETAILED IN REPORT NO. 2008-48 BE ACCEPTED AND THE DIRECTOR OF PUBLIC WORKS IS AUTHORIZED TO PROCEED WITH THE WORK.

CARRIED.

7.13 Report - Dir. of Public Works – Re: Sidewalk Replacement Program:

Council reviewed Report No. 08-49 from the Director of Public Works in regard to the 2008 Sidewalk Replacement Program.

The Director spoke to the report and responded to questions brought forth.

MOVED BY: COUNCILLOR AXEL FRANSEN

SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

THAT THE SIDEWALK REPLACEMENT ON ELM STREET FROM PINE STREET TO MOUNTAIN AVENUE ON THE EAST SIDE BE DEFERRED; AND FURTHER THAT A NEW SIDEWALK BE CONSTRUCTED ON THE EAST SIDE OF PINE STREET FROM ELM STREET TO HAZEL STREET.

CARRIED.

7.14 Report – Dir. of Finance – Re: Assessment Used for Taxation – Roll No. 4353 060 001 29240:

Council reviewed a report from the Director of Finance in regard to a delegation from a property owner that the determination of property assessment is incorrect.

The Director spoke to the matter and responded to questions brought forth.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANSEN

THAT THE REQUEST FROM THE PROPERTY OWNER OF ROLL NO. 4353 060 001 29240 FOR ASSISTANCE IN REDUCING HIS TAXES DUE TO BEING OVER ASSESSED IN PREVIOUS YEARS, AS A RESULT OF A CHANGE IN THE PERMITTED USES UNDER ZONING OF HIS PROPERTY, BE DENIED.

CARRIED.

7.15 Verbal – Director of Finance – Re: Request for Payment Extension:

Council received a verbal report from the Director of Finance with respect to a request for payment extension of taxes.

The Director spoke to the matter and responded to questions brought forth.

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT THE REQUEST FOR EXTENSION OF THE PAYMENT OF TAXES FOR PROPERTY ROLL NO. 4353 060 001 29240 IS HEREBY APPROVED FOR A PERIOD OF 30 DAYS.

CARRIED.

7.16 Verbal – Fire Chief – Re: Appointment – Municipal Law Enforcement Officer:

Council received a verbal report from the Fire Chief with respect to the appointment of a Municipal Law Enforcement Officer.

The Fire Chief spoke to the matter and advised that the related By-law will be presented to Council for consideration later in the meeting.

7.17 Verbal – C.A.O. – Re: Port McNicoll Baseball Equipment Damage:

Council received a verbal report from the C.A.O. with respect to the Port McNicoll baseball equipment damage.

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR JIM PEARSALL

THAT MUNICIPAL REPORT NO. 2008-07-01 BE AND IS HEREBY ADOPTED AS FOLLOWS:

#8 – DEFEATED.

CARRIED.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR RICK BLACK

WHEREAS THE BASEBALL EQUIPMENT STORED AT THE TALBOT YOUTH CENTRE WAS DAMAGED;

AND WHEREAS INVESTIGATION AS TO THE SOURCE THAT DAMAGED THE EQUIPMENT HAS NOT BEEN ABLE TO BE DETERMINED;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY AGREES TO DONATE \$1,120.00 TO THE PORT MCNICOLL BALL ASSOCIATION TO FUND REPLACEMENT EQUIPMENT;

AND FURTHER THAT STAFF BE DIRECTED TO PREPARE A POLICY FOR COUNCIL'S CONSIDERATION REGARDING THE STORAGE OF EQUIPMENT AND SUPPLIES BY COMMUNITY GROUPS IN MUNICIPAL PREMISES.

CARRIED.

7.18 Verbal – Dir. of Planning & Development – Re: Subdivision Agreement Amendment – Windemere Estates:

Council received a verbal report from the Director of Planning & Development in regard to a subdivision agreement amendment for Windemere Estates.

The Director spoke to the matter and advised that the related By-law will be presented to Council for consideration later in the meeting.

7.19 Verbal – Director of Public Works – Re: Tractor Replacement:

Council received a verbal report from the Director of Public Works in regard to the need to purchase a compact tractor.

The Director spoke to the matter and responded to questions brought forth.

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR JIM PEARSALL

THAT THE DIRECTOR OF PUBLIC WORKS IS AUTHORIZED TO PURCHASE A 2008 COMPACT TRACTOR WITH BUCKET AND MOWER DECK TO REPLACE THE 1991 TRACTOR LOADER MOWER AT AN ESTIMATED COST OF \$20,000.00 PLUS TAXES;

AND FURTHER THAT THE EXISTING TRACTOR BE LEFT WITH A VALUE OF \$1,500.00 AS A TRADE-IN.

CARRIED.

7.20 Verbal – Councillor Pearsall – Re: Library Renovation:

Council received a verbal report from Councillor Pearsall in regard to the condition of the exterior of the Victoria Harbour Public Library.

After discussion and consideration staff was directed accordingly.

7.21 Verbal – Councillor Rick Black – Re: Boat Slip at Skyline:

Council received a verbal report from Councillor Black in regard to public use of the boat slip at the Skyline property.

The Director of Planning & Development spoke to the matter and responded to questions brought forth.

8. BY-LAWS:

MOVED BY: COUNCILLOR AXEL FRANDBSEN

SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

THAT LEAVE BE GRANTED TO INTRODUCE BY-LAWS 2008-36, 2008-40, 2008-43, 2008-48, 2008-50, 2008-51, 2008-52, 2008-53, 2008-54, 2008-55 AND 2008-56.

CARRIED.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT BY-LAWS 2008-36, 2008-40, 2008-43, 2008-48, 2008-50, 2008-51, 2008-52, 2008-53, 2008-54, 2008-55 AND 2008-56 BE READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED.

CARRIED.

9. NOTICES OF MOTION:

There were no notices of motion at this time.

10. IN CAMERA SESSION:

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT COUNCIL ADJOURN TO AN IN CAMERA SESSION;

Cont'd

AND FURTHER THAT THIS PORTION OF THE MEETING BE CLOSED TO THE PUBLIC PURSUANT TO THE FOLLOWING SECTION(S) - AS MARKED, OF SECTION 239, SUBSECTION (2) OF THE MUNICIPAL ACT, 2001;

- LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD- (TAX SALE CLAIM)**
- PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES – (ORDER TO COMPLY)**

CARRIED.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT COUNCIL ADJOURN FROM THE IN CAMERA SESSION AT 8:58 P.M. AND RETURN TO THE REGULAR MEETING.

CARRIED.

11. ADJOURNMENT:

MOVED BY: COUNCILLOR AXEL FRANDBSEN

SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

THAT THIS REGULAR MEETING OF COUNCIL ADJOURN AT 8:58 P.M. AND TO RECONVENE ON SEPTEMBER 10, 2008 AT 7:00 P.M.

CARRIED.

MAYOR

CLERK