

THE CORPORATION OF THE TOWNSHIP OF TAY
REGULAR COUNCIL MEETING
WEDNESDAY, APRIL 8TH, 2009
7:00 P.M.

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

STAFF PRESENT: Simone Latham, C.A.O./Deputy Clerk
Alison Thomas, Clerk
Mara Burton, Director of Planning & Development
Joanne Sanders, Director of Finance
Brian Thomas, Fire Chief

REGRETS: 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 silent reflection.

3. DECLARATIONS OF INTEREST:

There were no declarations of interest.

4. CORRESPONDENCE:

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANSEN

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

CARRIED.

5. DELEGATIONS:

Ms. Laurie Schutt of Wye Marsh appeared before Council regarding a Request for Support from Environment Canada. Ms. Schutt provided an overview of the funding history of Wye Marsh noting that with the exception of a lease for the building with Environment Canada, all operations are funded without government assistance. In particular she noted that they have encountered difficulties since 2006 when the new *National Wildlife Act* (NWA) came into effect. Ms. Schutt reported that Wye Marsh was included within this legislation which has since created operational and funding problems. She outlined the ongoing struggle to have the NWA designation lifted from the property and to find a solution to the funding difficulties currently being encountered.

Ms. Schutt requested that the motion presented be endorsed so that the area Mayors may follow up with the government with the intent to resolve the funding problems currently facing Wye Marsh.

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

THAT WHEREAS THE WYE MARSH CENTRE AND SURROUNDING WETLAND IS A SIGNIFICANT ENVIRONMENTAL EDUCATION AND TOURISM DESTINATION WITHIN TAY TOWNSHIP, AND

WHEREAS THE FRIENDS OF THE WYE MARSH HAVE MANAGED THIS RESOURCE, MAKING SUCH IMPROVEMENTS AS THE INSTALLATION OF TWO WIND TURBINES, REPLACING BOARDWALKS ORIGINALLY BUILT BY CWS, NEW INTERPRETIVE SIGNAGE, EXPANDING THE TRAIL SYSTEMS AND CONDUCTING EXTENSIVE INVASIVE SPECIES RESEARCH, CONTROL AND REMOVAL, AND

WHEREAS LIMITATIONS HAVE BEEN PLACED ON THE OPERATION AND MAINTENANCE OF THE INTERPRETIVE CENTRE THROUGH THE NATIONAL WILDLIFE AREA DESIGNATION AND THE LEASE OF THE FACILITIES WHICH RESIDE ON FEDERALLY-OWNED LANDS, AND

WHEREAS THE FRIENDS OF THE WYE MARSH DESIRE TO CONSTRUCT AND/OR RENOVATE BUILDINGS IN ORDER TO MEET THEIR NEEDS,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY PETITIONS ENVIRONMENT CANADA, ON BEHALF OF THE WYE MARSH, FOR THE FOLLOWING:

- 1. THE REMOVAL OF THE DESIGNATION OF NATIONAL WILDLIFE AREA UNDER THE CANADIAN WILDLIFE ACT AND TO ENTER INTO A STEWARDSHIP AGREEMENT WITH THE FRIENDS OF THE WYE MARSH WHICH WOULD ENSURE THAT THE PROTECTION OF THE AREA IS HARMONIOUS WITH THE NATIONAL WILDLIFE ACT.**
- 2. THE TRANSFER OR LONG-TERM LEASE OF THE LAND AND BUILDINGS TO THE FRIENDS OF THE WYE MARSH WHICH WOULD ALLOW THE CONSTRUCTION AND RENOVATION OF BUILDINGS.**
- 3. THE PROVISION OF CAPITAL FUNDS, TO A MAXIMUM FEDERAL CONTRIBUTION OF \$1 MILLION, TO COMPLIMENT FUNDS RAISED BY WYE MARSH FROM PRIVATE SOURCES, FOR CAPITAL NEEDS. Cont'd.....**

AND FURTHERMORE THAT THE TOWNS OF MIDLAND AND PENETANGUISHENE AND THE TOWNSHIP OF TINY BE REQUESTED TO ENDORSE THE ABOVE MOTION AND THAT A COPY OF THIS MOTION BE FORWARDED TO THE MEMBER OF PARLIAMENT FOR SIMCOE NORTH BRUCE STANTON AND THE MEMBER OF PROVINCIAL PARLIAMENT FOR SIMCOE NORTH GARFIELD DUNLOP.

CARRIED.

6. **MUNICIPAL REPORT NO. 2009-04-01:**

MOVED BY: COUNCILLOR AXEL FRANDBSEN

SECONDED BY: COUNCILLOR RICK BLACK

THAT MUNICIPAL REPORT NO. 2009-04-01 BE AND IS HEREBY ADOPTED AS FOLLOWS:

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

CARRIED.

Council directed staff to review the matter of outdoor solid-fuel-combustion appliances and report back at an upcoming COAC meeting.

7. **OTHER BUSINESS:**

7.1 Report – Dir. of Planning & Development – Re: Proposed Zoning By-law Amendment – 188 Woodlands Ave:

Council considered a report from the Director of Planning and Development, under date of March 30, 2009 regarding the Application No. 2009ZBA01 to amend Zoning By-law 2000-57 - Anne-Marie Martin – 188 Woodlands Ave.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT APPLICATION NO. 2009ZBA01 TO PASS THE BY-LAW TO REZONE 188 WOODLANDS AVENUE FROM THE VILLAGE RESIDENTIAL EXCEPTION SIXTEEN HOLDING “R2-16(H)” ZONE TO THE VILLAGE RESIDENTIAL EXCEPTION THIRTY HOLDING “R2-30(H)” ZONE BE APPROVED.

CARRIED.

7.2 Report – Dir. of Planning & Development – Re: Proposed Zoning By-law Amendment – 45 Coldwater Rd:

Council considered a report from the Director of Planning and Development, under date of March 30, 2009 regarding the Application No. 2008ZBA09 to amend Zoning By-law 2000-57 – TimCon Investments Limited – Part of 45 Coldwater Road, Waubaushene.

**MOVED BY: COUNCILLOR AXEL FRANDBSEN
SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR
THAT APPLICATION NO. 2008ZBA09 TO PASS THE BY-LAW TO
REZONE PART OF 45 COLDWATER ROAD FROM PRESTIGE
INDUSTRIAL “M2” ZONE TO THE MARINE COMMERCIAL “C6”
ZONE TO THE VILLAGE RESIDENTIAL EXCEPTION THIRTY
HOLDING ‘R2-30(H)’ ZONE BE APPROVED.**

CARRIED.

**7.3 Verbal – Clerk – Re: Appointment of a Municipal Law
Enforcement Officer:**

Council considered a verbal report from the Clerk regarding the appointment of a Municipal Law Enforcement Officer from April 1 through to October 31, 2009.

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

7.4 Report – Fire Chief – Re: Facial Hair on Firefighters:

Council considered a report from the Fire Chief, under date of April 8, 2009 regarding facial hair on firefighters.

**MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR
SECONDED BY: COUNCILLOR RICK BLACK**

**THAT THE PROCEDURAL BY-LAW BE WAIVED TO PERMIT A
DELEGATION TO APPEAR BEFORE COUNCIL REGARDING
FACIAL HAIR ON FIREFIGHTERS.**

CARRIED.

Ms. Tammy McGregor, appeared before Council regarding facial hair on firefighters. Mrs. McGregor outlined the current Ministry of Labour health & safety standard for facepiece seal for firefighters. In addition, she reported that in other workplaces staff are given the opportunity to attempt to make a seal prior to shaving their faces, as face shapes differ from person to person. If the individual is then unable to make the facepiece seal then they are required to shave. In conclusion, Mrs. McGregor commented that she is in attendance in support of local firefighters to address the matter of facial hair and related health and safety concerns.

**MOVED BY: COUNCILLOR NELSON BAUMGARDNER
SECONDED BY: COUNCILLOR JIM PEARSALL**

**THAT REVISED STANDARD OPERATING GUIDELINE POLICY
#208 TITLED “EXCESSIVE FACIAL HAIR AND BEARDS” BE
ADOPTED.**

CARRIED.

Staff was directed to investigate the ‘grandfathering’ of a current firefighter and report back at the next COAC meeting.

7.5 Report – Dir. Of Finance – Re: 2008 Reserve Fund Summary:

Council considered a report from the Director of Finance, under date of April 8, 2009 regarding the 2008 Reserve Fund Summary.

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT WHEREAS THE DEVELOPMENT CHARGES BACKGROUND STUDY WAS PREPARED AFTER THE ADOPTION OF THE 2008 OPERATING AND CAPITAL BUDGETS; AND

WHEREAS THE 2008 ACTUAL TRANSFERS FROM THE DEVELOPMENT CHARGE RESERVE FUNDS FOR OPERATING AND CAPITAL DIFFER FROM THE TRANSFERS CONTAINED IN THE 2008 OPERATING AND CAPITAL BUDGET DUE TO THE ADOPTION OF THE DC BACKGROUND STUDY AND ADDENDUM,

NOW THEREFORE BE IT RESOLVED THE 2008 ANNUAL STATEMENT OF CONTINUITY FOR THE DEVELOPMENT CHARGES RESERVE BE RECEIVED.

CARRIED.

7.6 Report – Dir. Of Finance – Re: 2008 Reserve Fund Balance Adjustments:

Council considered a report the Director of Finance, under date of April 8, 2009 regarding the 2008 Reserve Fund Balance Adjustments.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANSEN

THAT WHEREAS A RECONCILIATION OF DEVELOPMENT CHARGES RESERVE FUND WITHDRAWALS WAS COMPLETED BY WATSON & ASSOCIATES ECONOMISTS LTD AS PART OF THE DEVELOPMENT CHARGES BACKGROUND STUDY; AND

WHEREAS ELIGIBLE WITHDRAWALS WERE IDENTIFIED THAT WERE NOT PREVIOUSLY WITHDRAWN IN THE YEARS 2004 TO 2007;

NOW THEREFORE BE IT RESOLVED THAT ADJUSTMENTS BE MADE TO THE DEVELOPMENT CHARGE RESERVE FUNDS AND TRANSFERRED TO RESERVES FOLLOWS:

- \$85,081.00 FROM THE ROADS DC RESERVE FUND TO THE ROADS INFRASTRUCTURE RESERVE**
- \$14,644.00 FROM THE LIBRARY DC RESERVE FUND TO THE LIBRARY BUILDING RESERVE**

Cont'd...

- **\$177,721.00 FROM THE PARKS & RECREATION DCA RESERVE FUND TO THE RECREATION FACILITIES AND EQUIPMENT RESERVE**
- **\$18,319.00 FROM THE ADMINISTRATION DCA RESERVE FUND TO THE STUDIES AND HEARINGS RESERVE**
- **\$277,105.00 FROM THE WATER DCA RESERVE FUND TO THE WATER RESERVE**
- **\$522,755.00 FROM THE SEWER DCA RESERVE FUND TO THE SEWER RESERVE.**

CARRIED.

7.7 Verbal – C.A.O. – Re: Appointment – Environmental Superintendent:

Council considered a verbal report from the Chief Administrative Officer regarding the appointment of a new Environmental Superintendent.

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

7.8 Report – Fire Chief – Re: Replacement of 1988 Hub Pumper Truck – Fire Hall #5, Victoria Harbour:

Council considered a report from the Fire Chief, under date of April 2, 2009 regarding the replacement of the 1988 Hub Pumper Truck.

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT COUNCIL APPROVES THE PURCHASE OF THE 2009 FREIGHTLINER PUMPER TRUCK FROM DARCH FIRE;

AND FURTHER THAT THE FIRE CHIEF BE DIRECTED TO OUTFIT THE PUMPER TRUCK AFTER OBTAINING THREE QUOTES PROVIDED HE REMAINS UNDER THE APPROVED BUDGET.

CARRIED.

7.9 Verbal – Fire Chief – Re: 2010 G8 Summit – Budget to be Submitted to the Province:

Council considered a verbal report from the Fire Chief regarding the 2010 G8 Summit and the potential effect on the municipality. In addition, he requested permission to present a budget on anticipated costs to the Province as without a budget submission no funding would be provided.

Council directed staff to present the anticipated budget to Emergency Management Ontario.

7.10 Verbal – C.A.O. – Re: Gas Tax Presentation by B. Stanton, M.P.:

Council considered a verbal report from the Chief Administrative Officer regarding a Gas Tax Presentation & Photo Op at next regular COAC meeting by B. Stanton, M.P.

Staff was directed to make the necessary arrangements for a 1:30 p.m. presentation.

7.11 Verbal – Councillor Pearsall – Re: Waldie Street & Albert Street Property:

Council considered a verbal request for an update from Councillor Pearsall regarding future plans for the Waldie Street/Albert Street property. The Director of Planning & Development advised that staff will be bringing forward a future staff report regarding the park redevelopment.

8. BY-LAWS:

MOVED BY: COUNCILLOR NELSON BAUMGARNER

SECONDED BY: COUNCILLOR JIM PEARSALL

THAT LEAVE BE GRANTED TO INTRODUCE BY-LAWS 2009-12, 2009-17, 2009-25, 2009-26 AND 2009-27.

CARRIED.

MOVED BY: COUNCILLOR JIM PEARSALL

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT BY-LAWS 2009-12, 2009-17, 2009-25, 2009-26 AND 2009-27 BE READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED.

CARRIED.

9. NOTICES OF MOTION:

None were presented.

10. IN CAMERA SESSION:

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANSEN

**THAT COUNCIL ADJOURN TO AN IN CAMERA SESSION;
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;**

- **PERSONNEL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (FIREFIGHTER SUSPENSION).**
- **A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (20 SUNSET COURT)**

CARRIED.

**MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR
SECONDED BY: COUNCILLOR AXEL FRANSEN
THAT COUNCIL ADJOURN FROM THE IN CAMERA SESSION AT
9:29 P.M. AND RETURN TO THE REGULAR MEETING.**

CARRIED.

**MOVED BY: COUNCILLOR AXEL FRANSEN
SECONDED BY: COUNCILLOR RICK BLACK
THAT THE REPORT OF THE COMMITTEE OF THE WHOLE BE
ADOPTED AS READ.**

CARRIED.

11. ADJOURNMENT:

**MOVED BY: COUNCILLOR NELSON BAUMGARDNER
SECONDED BY: COUNCILLOR JIM PEARSALL
THAT THIS REGULAR MEETING OF COUNCIL ADJOURN AT
9:30 P.M. AND TO RECONVENE ON MAY 13, 2009 AT 7:00 P.M.**

CARRIED.

MAYOR

CLERK