

THE CORPORATION OF THE TOWNSHIP OF TAY
REGULAR COUNCIL MEETING
WEDNESDAY, JULY 11th, 2007
7:00 P.M.

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

STAFF PRESENT: Ted Walker, Administrator (C.A.O.)
Mara Burton, Director of Planning & Development
Simone Latham, Director of Finance
Herb Proudley, Director of Public Works
Andrea Fay, Clerk

ABSENT: Councillor James Pearsall

1. CALL TO ORDER:

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

2. MOMENT OF SILENT REFLECTION:

Mayor Scott Warnock called for a moment of silence.

3. DECLARATIONS OF INTEREST:

There were no declarations of interest.

4. CORRESPONDENCE:

MOVED BY: COUNCILLOR RICK BLACK

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:

At this point a public meeting of the Committee of All Council was held in compliance with By-law No. 98-75 and Sections 34 and 50 of the Planning Act in regard to two applications. The first is a temporary use by-law application for 2777 Old Fort Road. The second application is an amendment to Zoning By-law 2000-57 for Part of Lot 15, Concessions 8 & 9.

The Chair outlined the format for the meeting and all persons present were given an opportunity to ask questions and comment on the proposed amendment.

The Chair advised that in accordance with the Planning Act, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process. If you have a concern or comment regarding any of the Applications they should be addressed this evening.

**5.1 Proposed Temporary Use By-law Application No. 2007ZBA07 – 2777
Old Fort Road (Dan and Tracy McCallum):**

The Director of Planning and Development reviewed the process of notice and advised that notices were published in the Midland Mirror; circulated to all assessed persons within 120 metres of the subject properties and any agencies that may have an interest on June 15, 2007, therefore, the 20 day notice requirement has been met.

To date we have received the following formal correspondence with respect to this application.

1. Letter from County of Simcoe dated June 27, 2007 – The letter outlined the requirements of the County as the property is located on a County road.
2. Letter from the Ministry of Transportation dated July 3, 2007 – The letter noted they had no objections to the application.

The Chairman called on the Director of Planning and Development to provide some background with respect to the application. The Director advised that the temporary use by-law would permit the temporary usage of a mobile home on the property while a detached dwelling is constructed.

The Chairman then called on the owners Mr & Ms. McCallum to provide further description of the proposed application.

Ms. McCallum noted that the modular home was necessary while they built a wheel chair accessible home for their son.

The Chairman then inquired if there were any questions or comments from the audience in support of or in opposition to this matter.

No questions were brought forward at this time.

As there were no more questions or comments from the audience the Chairman queried if there were any questions from the Committee concerning the information presented.

Deputy Mayor Ladouceur asked if the modular home would have a holding tank.

Mr. McCallum noted that they were in the process of applying for a septic permit. They will install a gravity fed system from the modular home to the septic.

No further questions were brought forward by the Committee at this time.

5.2 Proposed Zoning By-law Amendment - Application No. 2007ZBA04 – Part of Lot 15, Concessions 8 & 9 (1243161 Ontario Limited):

The Director of Planning and Development reviewed the process of notice and advised that notices were published in the Midland Mirror; circulated to all assessed persons within 120 metres of the subject properties and any agencies that may have an interest on June 15, 2007, therefore, the 20 day notice requirement has been met.

To date no formal correspondence was received with respect to this specific application other than those items discussed during the previous public meeting.

The Chairman called on the Director of Planning and Development to provide some background with respect to the application. The Director advised that the lands affected would be rezoned from rural “RU” to Shoreline Residential “SR-2”. The lands are 60 feet in depth and they would be added to the properties in front of them.

The Chairman then called on the owner of 123161 Ontario Limited to provide further description of the proposed application.

There were no comments brought forward by the owner.

The Chairman then inquired if there were any questions or comments from the audience in support of or in opposition to this matter.

1. Mr. Robert Reid of 383 Robins Point Road – Mr. Reid inquired if the entire strip of properties as noted on the map would be rezoned although not all properties were going to be purchased. The Director of Planning and Development advised that the entire strip of properties would be rezoned.

As there were no further questions or comments from the audience the Chairman queried if there were any questions from the Committee concerning the information presented.

There were no questions brought forward by the Committee at this time.

5.3 Tax Write Offs:

Council reviewed a report from the Deputy Treasurer with respect to tax write offs. Mayor Warnock asked if there was anyone in the audience with respect to this matter.

Mr. Darren Nicholson noted that he was the owner of 24 Maple Street being one of the properties involved in the write off due to their house fire.

There were no additional people in attendance with respect to this matter.

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT THE 2005 WRITE-OFFS UNDER SECTION 358 OF THE MUNICIPAL ACT, R.S.O. 2001 IN THE AMOUNT OF \$68.79 BE GRANTED.

CARRIED.

**MOVED BY: COUNCILLOR RICK BLACK
SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR
THAT THE 2006 WRITE-OFFS UNDER SECTION 357 AND 358 OF THE
MUNICIPAL ACT, R.S.O. 2007 IN THE AMOUNT OF \$1,518.29 BE
GRANTED.**

CARRIED.

**MOVED BY: COUNCILLOR RICK BLACK
SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR
THAT THE 2007 WRITE-OFFS UNDER SECTION 357 AND 358 OF THE
MUNICIPAL ACT, R.S.O. 2001 IN THE AMOUNT OF \$3,848.38 BE
GRANTED.**

CARRIED.

6. MUNICIPAL REPORT NO. 2007-07-01:

**MOVED BY: COUNCILLOR AXEL FRANDBSEN
SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR
THAT MUNICIPAL REPORT NO. 2007-07-01 BE AND IS HEREBY
ADOPTED AS FOLLOWS:**

- | | | |
|--------------------|---------------------|---------------------|
| 1. CARRIED. | 8. CARRIED. | 15. CARRIED. |
| 2. CARRIED. | 9. CARRIED. | 16. CARRIED. |
| 3. CARRIED. | 10. CARRIED. | 17. CARRIED. |
| 4. CARRIED. | 11. CARRIED. | 18. CARRIED. |
| 5. CARRIED. | 12. CARRIED. | 19. CARRIED. |
| 6. CARRIED. | 13. CARRIED. | 20. CARRIED. |
| 7. CARRIED. | 14. CARRIED. | |

CARRIED.

7. OTHER BUSINESS:

7.1 Temporary Use – 2777 Old Fort Road (Application No. 2007ZBA07):

Council reviewed a report from the Director of Planning & Development under date of June 25, 2007, with respect to Application No. 2007ZBA07 for a Temporary Use By-law at 2777 Old Fort Road.

The Director of Planning & Development advised that the related by-law would be brought forward later in the meeting for consideration by Council.

7.2 Amend Zoning By-law – Part of Lot 15, Concessions 8 & 9 (Application No. 2007ZBA04):

Council reviewed a report from the Director of Planning & Development under date of June 21, 2007, with respect to Application No. 2007ZBA04 to amend Zoning By-law 2000-57 for Part of Lot 15, Concessions 8 & 9.

The Director of Planning & Development advised that the related by-law would be brought forward later in the meeting for consideration by Council.

7.3 Land Sales – 436 & 440 West Street:

Council received a verbal report from the Clerk with respect to the sale of lands known as 436 and 440 West Street.

The Clerk advised that the related by-laws would be brought forward later in the meeting for consideration by Council.

7.4 Asset Management Program Project By-law:

Council received a verbal report from the Director of Finance with respect to an Agreement for the Asset Management Program Project by-law.

The Director of Finance advised that the related by-law would be brought forward later in the meeting for consideration by Council.

7.5 Contractor Agreement By-law – Sidewalk Replacement:

Council received a verbal report from the Director of Public Works with respect to the Contractor Agreement By-law for sidewalk replacement.

The Director advised that the related by-law would be brought forward later in the meeting for consideration by Council.

7.6 Engineering Services Agreement – Port McNicoll Distribution System Improvements:

Council received a verbal report from the Director of Public Works with respect to the Engineering Services Agreement for the Port McNicoll Distribution System Improvements.

The Director advised that the related by-law would be brought forward later in the meeting for consideration by Council.

7.7 Patterson Park:

Council received for information a verbal report from the Director of Public Works with respect to a quote for the purchase of playground equipment for Patterson Park.

7.8 Application to lift Part Lot Control – Wycliffe Georgian Landing:

Council reviewed a report from the Director of Planning & Development under date of June 28, 2007, with respect to an application to lift Part Lot Control for Wycliffe Georgian Landing Plan 51M-834 Block 21.

The Director advised that the related by-law would be brought forward later in the meeting for Councils consideration.

7.9 Encroachments Grandview Road/Triple Bay Road:

Council received a verbal report from the Director of Public Works with respect to the encroachments along Grandview Road and Triple Bay Road.

The Director of Public Works advised that the by-law would be brought forward later in the meeting for consideration by Council.

7.10 Provincial Unconditional Grants to Libraries:

Council reviewed a report from the Director of Finance under date of July 3, 2007, with respect to Provincial unconditional grants for Libraries.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY HEREBY AUTHORIZES LIBRARY STAFF TO PROCEED WITH THE IMPROVEMENTS AS DETAILED IN THE REPORTS OF JUNE 20, 2007.

CARRIED.

7.11 2008 Budget Schedule:

Council received for information a verbal report from the Director of Finance with respect to the 2008 budget schedule.

7.12 Tay Shore Trail Extension into Port McNicoll – Licence of Occupation:

Council received a verbal report from the Director of Planning & Development with respect to the Licence of Occupation for the Tay Shore Trail extension into Port McNicoll.

The Director advised that the by-law would be brought forward later in the meeting for Councils' consideration.

7.13 Review Permitted Uses on the Tay Shore Trail:

Council reviewed a report from the Recreation Coordinator under date of July 4, 2007, with respect to a review of the permitted uses along the Tay Shore Trail.

Council requested that staff contact the Georgian Bay Snowriders to arrange for a meeting to further discuss issues that arose from their use of the trail.

MOVED BY: COUNCILLOR AXEL FRANDBSEN

SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

THAT THE COUNCIL OF THE TOWNSHIP OF TAY HEREBY AGREES TO DISCONTINUE SNOWMOBILE USE ALONG THE TAY SHORE TRAIL IN ITS ENTIRETY;

AND FURTHER, THAT UPON REQUEST FROM THE GEORGIAN BAY SNOWRIDERS, THE TAY SHORE TRAIL COMMITTEE WOULD REVIEW LIMITED PERMITTED USE OF THE TAY SHORE TRAIL BY SNOWMOBILES PROVIDED THAT A VIABLE SOLUTION TO PREVENT TRAIL DAMAGE IS APPROVED BY THE TOWNSHIP TO BE IMPLEMENTED BY THE GEORGIAN BAY SNOWRIDERS.

CARRIED.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT HORSEBACK RIDING NOT BE PERMITTED ON THE TAY SHORE TRAIL IN ITS ENTIRETY IN THE INTEREST OF SAFETY FOR TRAIL USERS.

CARRIED.

7.14 Debt Financing – Water Projects:

Council reviewed a report from the Director of Finance under date of July 4, 2007, with respect to debt financing for water projects.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT THE 2007 CAPITAL EXPENDITURES FOR THE ROPE WATER TREATMENT PLANT, THE VICTORIA HARBOUR AREA PLANT UPGRADES, AND THE WAUBAUSHENE WATERMAIN WHICH COULD NOT BE INCLUDED IN THE 2007 BUDGET AS THE RATES HAD ALREADY BEEN STRUCK, BE FUNDED FROM THE WATER RATE IN 2007.

CARRIED.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY AUTHORIZES THE TREASURER TO PROCEED WITH THE OSIFA DEBT APPLICATION IN THE AMOUNT OF \$5,148,341. FOR AN AMORTIZATION TERM OF 15 YEARS.

CARRIED.

The Director advised that the related by-law would be brought forward later in the meeting for consideration by Council.

7.15 2006 Financial Statements:

Council received for information a memo from the Director of Finance with respect to the 2006 Financial Statements.

7.16 Tender for Granular "A":

Council reviewed a report from the Director of Public Works under date of July 3, 2007, with respect to the Tender for Granular "A" being Contract No. 2007-09.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT THE TENDER SUBMITTED BY LAFARGE CANADA INC. FOR GRANULAR 'A' IN THE AMOUNT OF \$73,062.09 INCLUDING TAXES BE ACCEPTED.

CARRIED.

7.17 County of Simcoe Transportation Master Plan:

Council reviewed a report from the Director of Public Works under date of July 4, 2007, with respect to the County of Simcoe Transportation Master Plan.

MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

THAT THE DIRECTOR OF PUBLIC WORKS, HERB PROUDLEY BE THE TOWNSHIP OF TAY REPRESENTATIVE ON THE TECHNICAL ADVISORY COMMITTEE FOR THE COUNTY OF SIMCOE TRANSPORTATION MASTER PLAN.

CARRIED.

7.18 2006 Performance Measures Report:

Council received for information a verbal report from the Director of Finance with respect to the 2006 Performance Measures Report.

7.19 Letter – Bell Canada Re: Bell Tower Installation at 2316 Newton St.:

Council received for information a letter from Bell Canada with respect to a public information session being held at the Port McNicoll Community Center on July 18th, 2007.

Deputy Mayor Ladouceur noted that both the address of the community center and the height of the tower were incorrect. The Director of Planning & Development advised that Bell Canada had been notified.

7.20 Land Sale – 2505 Newton Street:

Council received a verbal report from the Clerk with respect to the sale of 2505 Newton Street.

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT MUNICIPALLY OWNED LANDS KNOWN AS 2505 NEWTON STREET BE DECLARED SURPLUS TO THE NEEDS OF THE TOWNSHIP;

AND FURTHER THAT SAID LANDS BE SOLD TO THE OWNER OF PROPERTY KNOWN AS 2506 NEWTON STREET AS COUNCIL DEEMS IT TO BE IN THE BEST INTEREST OF THE MUNICIPALITY BASED ON SECTION 3.2.4 E) OF BY-LAW 2007-12.

CARRIED.

7.21 Canada Day Celebrations:

Council received a verbal report from the Clerk with respect to a request from Victoria Harbour Recreation to donate funds to the Royal Canadian Legion Branch 523 for their recent Canada Day Celebration.

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT THE VICTORIA HARBOUR RECREATION COMMITTEE DONATE \$200.00 TO THE ROYAL CANADIAN LEGION BRANCH 523 FOR THEIR CANADA DAY CELEBRATION.

CARRIED.

7.22 Running Assignments for Fire Department:

Council received a verbal report from the Clerk with respect to the running assignments for the Fire Department.

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT WHEREAS THE FOLLOWING MOTION WAS DEFEATED AT THE MAY 16TH, 2007, COMMITTEE OF ALL COUNCIL MEETING:

“THAT STATUS QUO BE MAINTAINED FOR THE RUNNING ASSIGNMENTS WITH THE TANKER STATIONS BEING FIRST RESPONSE IN THE RURAL AREAS;

AND FURTHER THAT IT IS RECOGNIZED THAT UNDER THE FPPA IT IS THE FIRE CHIEF’S RESPONSIBILITY TO DELIVER SERVICES AND THAT LEVEL OF SERVICE REST IN THE HANDS OF COUNCIL.”

AND WHEREAS PRIOR TO DEALING WITH THIS MOTION COUNCIL WISHES TO DEFER UNTIL SUCH TIME AS FURTHER STUDY CAN TAKE PLACE.

CARRIED.

7.23 Keewatin Visit:

Council received for information a verbal report from Mayor Warnock with respect to his recent visit during the 100th Anniversary of the Keewatin.

7.24 Penetanguishene District Hospital and Huronia District Hospital:

Council received a verbal report from Mayor Warnock with respect to a request from the local hospitals to meet with Council.

The Mayor advised that they will schedule a delegation during the August 15th Committee meeting.

7.25 Fallen Tree:

Council received a verbal report from Mayor Warnock with respect to a fallen tree that has hit a telephone wire.

The Mayor noted that the neighbouring resident felt that the tree was on municipal property.

The CAO advised that a title search of the property has been completed and staff will conduct a site inspection to determine if the property is municipally owned.

7.27 Official Plan Amendment No. 28:

Council received a verbal report from the Director of Planning and Development with respect to the Official Plan Amendment No. 28 for the Victoria Harbour Golf Course Community.

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT COUNCIL OF THE TOWNSHIP OF TAY SUPPORTS THE MODIFICATIONS PROPOSED IN THE COUNTY OF SIMCOE LETTER DATE MAY 24, 2007, FOR OFFICIAL PLAN AMENDMENT NUMBER 28, VICTORIA HARBOUR GOLF COURSE COMMUNITY.

CARRIED.

7.28 Unopened Road Allowance Known as Elizabeth Street:

Council received a verbal report from Councillor Rawson with respect to the status of the unopened road allowance known as Elizabeth Street.

The CAO noted that the School Board was contacted to determine if they would be interested in obtaining the land. Due to their summer meeting schedule a response is not anticipated until the fall.

8. BY-LAWS:

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT LEAVE BE GRANTED TO INTRODUCE BY-LAWS 2007-44, 2007-45, 2007-54, 2007-57, 2007-59, 2007-60, 2007-61, 2007-62, 2007-63, 2007-64, 2007-65, 2007-66, 2007-67 AND 2007-68.

CARRIED.

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT BY-LAWS 2007-44, 2007-45, 2007-54, 2007-57, 2007-59, 2007-60, 2007-61, 2007-62, 2007-63, 2007-64, 2007-65, 2007-66, 2007-67 AND 2007-68 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.

Prior to entering into the in camera session Mayor Warnock noted that this was the last Council meeting for our CAO as he accepted the position of CAO for the Town of Midland. Our CAO has been a great asset to Council, Staff and residents of the municipality and he will be greatly missed.

10. IN CAMERA SESSION:

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR BILL RAWSON

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;

- **PERSONAL MATTER ABOUT AN IDENTIFIABLE INDIVIDUAL;**
- **AND LITIGATION OR POTENTIAL LITIGATION.**

CARRIED.

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT COUNCIL ADJOURN FROM THE IN CAMERA SESSION AT 9:56 P.M. AND RETURN TO THE REGULAR MEETING.

CARRIED.

**MOVED BY: COUNCILLOR NELSON BAUMGARDNER
SECONDED BY: COUNCILLOR BILL RAWSON
THAT THE REPORT OF THE COMMITTEE OF THE WHOLE BE
ADOPTED AS READ.**

CARRIED.

11. ACTIONS RESULTING FROM THE IN CAMERA SESSION:

**MOVED BY: COUNCILLOR RICK BLACK
SECONDED BY: COUNCILLOR BILL RAWSON
THAT AS A RESULT OF THE RESIGNATION OF TED WALKER AS A
DIRECTOR OF TAY CONTRACTING COMPANY AND TAY HOLDING
COMPANY THAT COUNCILLOR BAUMGARDNER BE HEREBY
APPOINTED DIRECTOR OF TAY CONTRACTING COMPANY AND
TAY HOLDING COMPANY.**

CARRIED.

**MOVED BY: COUNCILLOR NELSON BAUMGARDNER
SECONDED BY: COUNCILLOR AXEL FRANDBSEN
THAT LEAVE BE GRANTED TO INTRODUCE BY-LAW 2007-58.**

CARRIED.

**MOVED BY: COUNCILLOR AXEL FRANDBSEN
SECONDED BY: COUNCILLOR NELSON BAUMGARDNER
THAT BY-LAW 2007-58 BE READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED.**

CARRIED.

12. ADJOURNMENT:

**MOVED BY: COUNCILLOR NELSON BAUMGARDNER
SECONDED BY: COUNCILLOR BILL RAWSON
THAT THIS REGULAR MEETING OF COUNCIL ADJOURN AT
9:17 P.M. AND TO RECONVENE ON SEPTEMBER 12, 2007 AT 7:00 P.M.**

CARRIED.

MAYOR

CLERK