

THE CORPORATION OF THE TOWNSHIP OF TAY
REGULAR COUNCIL MEETING
WEDNESDAY, MAY 14TH, 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./Clerk(A)
Mara Burton, Director of Planning & Development
Joanne Sanders, Director of Finance
Herb Proudley, Director of Public Works
Cyndi Bonneville, Deputy Clerk(A)

ABSENT: Brian Thomas, Fire Chief

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:

At this point Mayor Warnock advised that the municipality made a change in protocol with respect to public meetings and outlined the process for tonight's public meeting.

5.1 Tax Write Offs – Report from the Deputy Treasurer:

Council reviewed a report from the Deputy Treasurer under date of May 14th, 2008 outlining the properties recommended for an adjustment of 2005 taxes under Section 357 and 358 of the Municipal Act.

**MOVED BY: COUNCILLOR AXEL FRANDBSEN
SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR
THAT THE 2005 WRITE-OFFS UNDER SECTIONS 357 AND 358 OF THE
MUNICIPAL ACT, R.S.O. 2001 IN THE AMOUNT OF \$116.78 BE
GRANTED.**

CARRIED.

Council reviewed a report from the Deputy Treasurer under date of May 14th, 2008 outlining the properties recommended for an adjustment of 2006 taxes under Section 357 and 358 of the Municipal Act.

**MOVED BY: COUNCILLOR AXEL FRANDBSEN
SECONDED BY: DEPUTY MAYOR MICHAEL LADOUCEUR
THAT THE 2006 WRITE-OFFS UNDER SECTIONS 357 AND 358 OF THE
MUNICIPAL ACT, R.S.O. 2001 IN THE AMOUNT OF \$457.78 BE
GRANTED.**

CARRIED.

Council reviewed a report from the Deputy Treasurer under date of May 14th, 2008 outlining the properties recommended for an adjustment of 2007 taxes under Section 357 and 358 of the Municipal Act.

**MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR
SECONDED BY: COUNCILLOR AXEL FRANDBSEN
THAT THE 2007 WRITE-OFFS UNDER SECTIONS 357 AND 358 OF THE
MUNICIPAL ACT, R.S.O. 2001 IN THE AMOUNT OF \$1,125.63 BE
GRANTED.**

CARRIED.

5.2 Proposed Official Plan Amendment – 2999 Ogdens Beach Road:

At this point a public meeting of Council was held in compliance with By-law No. 98-75 and Sections 17, 34 and 50 of the Planning Act. The Chairman of the Planning & Development Committee advised that there are three applications this evening dealing with two properties. The first application is regarding an Amendment to the Official Plan for 2999 Ogdens Beach Road. The other two are regarding a proposed Plan of Subdivision and a proposed Amendment to the General Zoning By-Law No. 2000-57 for 344 Park Street.

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

The Chairman 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 expressed this evening.

The Chairman called on the Director to describe the method by which notice of this meeting was given for the first application, being the Official Plan Amendment for 2999 Ogdens Beach Road, and to briefly describe the proposed amendment, and also report on any responses received to the Notice.

The Director of Planning and Development reviewed the process of notice and advised that notices were circulated to all assessed persons within 120 metres of the subject properties and any agencies that may have an interest on April 30th, 2008. To date we have not received any formal correspondence with respect to this application.

The Director advised the proposed Official Plan Amendment would amend the existing Waste Disposal Assessment area located on the subject lands to reflect the actual location in the field of the former waste disposal site and will further add specific policies that would lift some of the restrictions currently in place within the Waste Disposal Assessment Area that would permit:

1. Buildings and structures at least 150 metres from the waste disposal site provided that the construction of the well shall be supervised by a qualified professional engineer or geoscientist.
2. That no water wells be constructed within 150 metres of the waste disposal site.
3. There should be no enclosed structures constructed within 100 metres of the edges of the former waste disposal site.
4. That there be no construction on the actual disposal site.

The Chairman then asked the agent for the Estate of Edmund Jones, Mr. Larry Jones, if he would like to add anything to the presentation.

Mr. Jones advised that he has a true copy of an actual survey completed by an Ontario Land Surveyor and suggested that he submit same to the Township as he is of the impression that the radius of the subject land, as circled on the Township's key map, is incorrect. Mr. Jones stated that it has been 34 years since the waste disposal site was in operation and queried if the 500 meter restrictions are concrete. Mr. Jones stated that a large amount of money was disbursed to improve the area and in the long run this mechanism, although expensive, will be beneficial for everyone as restrictions will be reduced.

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. Gary Priest, Georgian Bay Hunters & Anglers – 3175 Ogdens Beach Rd. – expressed that the Club has no issue with this amendment in general, however there is some concern of the nature of any future development in the area.

Mr. Priest commented that the Club's property is outside of the application's sphere therefore did not receive notification but would appreciate notification of the outcome of tonight's public meeting.

2. Ms. Pam Weissflog – 3097 Ogdens Beach Rd. – advised that her property is within the circumference of the subject lands and questioned how the municipality determined where the property crosses. It was recommended that Ms. Weissflog contact the Township’s Planning Technician for clarification of location of her property as it relates to the subject land.

Ms. Weissflog advised that her property is currently for sale and queried if future owners wish to rebuild and drill a well outside the 500 metre mark will they be subjected to the conditions.

3. Mike & Cynthia Laengner - 3067 Ogdens Beach Road – expressed numerous concerns and questions in regard to the application, including:

- If the amendment is officially passed will there be a holding designation placed on property.
- Concern that the Township is creating obstacles for those property owners that wish to build; as construction of a well requires that a professional engineer or geoscientist be on site to supervise same. In addition to the required water samples this will be a costly endeavour for property owners.
- Suggested that the municipality be partially responsible for the engineering costs involved in verifying that a well has not been affected by the waste site.
- Stated that there are existing wells in the area and questioned if the municipality is prepared to enforce measures to determine if their wells have been impacted by the waste site and has the Ministry of Environment been in contact with owners of existing wells.
- Does the municipality foresee any movement to provide municipal water on Ogdens Beach Road.
- Is the anticipated cost to obtain an engineering report available.

4. Nelson Baumgardner – 3085 Ogdens Beach Road - expressed concern that if his neighbouring property sold the new owner would have to drill a well and felt that the municipality should contribute to the cost of an engineer report to determine if the well is affected by the former waste disposal site, as the municipality was in a contract to use the site from 1969 – 1974 for waste disposal purposes.

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

Deputy Mayor Ladouceur questioned why a property owner can not retain a private well driller opposed to obtaining an engineer to oversee drilling of a well, and further if the Ministry of the Environment conducted a water sample and characterize it based on concerns of contamination would this suffice to meeting the requirements.

Councillor Black was of the same opinion and further expressed that if an owner is willing to take responsibility to have their water tested this should be considered adhering to the provisions and be exempt from undertaking the expense of an engineer or geoscientist report.

The Director spoke to the comments and questions received this evening and reminded the audience, and Council, that the application before us is a private application submitted by the Jones family. As the Director is not a Hydrologist staff can only work with the report and recommendations brought forward by the professionals. The Director responded to questions brought forth and advised that it is her recommendation to proceed as per the recommendation to the Township by the Hydrologists, Terraprobe and our Peer reviewer, Trow.”

As there were no further questions in regard to this application we moved to the second application.

5.3 Proposed Plan of Subdivision & Zoning By-Law Amendment – 344 Park Street:

The Chairman called on the Director to describe the method by which notice of this meeting was given for the second application regarding 344 Park Street, briefly describe the proposed Subdivision and Zoning By-Law Amendment and report on any responses received to the Notice.

The Director of Planning and Development reviewed the process of notice and advised that notices were circulated to all assessed persons within 120 metres of the subject property and any agencies that may have an interest and the property was signed with notice on April 30th, 2008.

To date we have received one letter of correspondence with respect to this application from the Simoce Muskoka Catholic District School Board regarding a clause in purchase and sale agreement that pupils may be transported to or accommodated in temporary facilities out of the neighbourhood schools’ area.

The Director advised that the application proposes 10 lots for street townhouses and a semi-detached, as depicted on the key map provided. Eight of the lots are proposed to front onto Maple Street in two groups of four townhouses. The remaining semi-detached is proposed to front onto Park Street.

The Director reviewed the proposed lot frontage and interior and site specific exceptions in regard to lot coverage, interior and exterior side yards. The Zoning By-law Amendment proposes to rezone the subject property from the Village Residential “R2” Zone to the site specific Multiple Residential Exception Eight “R3-8” Zone.

The Director advised that the agent for the applicant, Michelle Cutts from Rudy & Associates is in attendance to speak on the matter.

Ms. Cutts presented a coloured map highlighting the subject lands and described the proposal which will encompass 3-4 bedroom, 2-story homes with a garage to accommodate two parking spaces. Ms. Cutts advised that the property is in the settlement area and that the architectural standards will be met by the developer.

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. Dan Mitchell – (does not reside in the area) – expressed concern with the length of the driveways and garage for snowplowing purposes.

The Director pointed out that the edge of pavement to the street was beyond the sidewalk and property line.

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

Councillor Rawson questioned the size of the lots as a typical lot size in the surrounding area is 60 feet. The Director spoke to the matter and advised that the lots range from 25 feet with the interior lots of a smaller size and that the rear yard setbacks exceed municipal standards. The Director spoke of the Places to Grow Provincial requirements that the municipality provide for intensification building within the settlement areas and that the days of 60' lots are no longer. The Director expressed the requirements of the municipality to provide housing for all ranges of income.

Councillor Pearsall expressed concern that the driveway is not long enough to park larger vehicles. Ms. Cutts advised that there is 20 feet to the grass area and the driveway will accommodate a truck. Ms. Cutts advised that the driveway is of standard length and indicated that there is a sidewalk in front.

Councillor Black expressed concern that construction of this nature will bring the prices down on bigger houses and bigger lots in the area. The Director spoke to the matter and presented the other scenario if the lands were to be developed as commercial property.

Ms. Cutts reassured both the audience and Council that the developer is willing to work with the municipality to create an attractive development.

As there were no more questions the Chairman adjourned the public meeting portion of the agenda.

At this point Mayor Warnock resumed the meeting.

6. MUNICIPAL REPORT NO. 2008-05-01:

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT MUNICIPAL REPORT NO. 2008-05-01 BE AND IS HEREBY ADOPTED AS FOLLOWS:

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

CARRIED.

The Director of Finance spoke to the required changes to Item #16 and #17 and the need for amended motions.

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR BILL RAWSON

THAT RECOMMENDATION #16 OF THE MUNICIPAL REPORT #2008-05-01 BE AMENDED TO READ AS FOLLOWS:

THAT THE BALANCE OF THE SURPLUS OF \$550,605.00 BE USED TO FUND THE MUNICIPAL BUILDING EXPANSION.

CARRIED.

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT RECOMMENDATION #17 OF THE MUNICIPAL REPORT #2008-05-01 BE AMENDED TO READ AS FOLLOWS:

THAT THE TREASURER IS HEREBY AUTHORIZED TO MAKE THE FOLLOWING TRANSFERS RELATE TO RESERVES AND RESERVE FUNDS:

TRANSFER TO RESERVES	\$1,373,502.
TRANSFER FROM RESERVES	\$1,794,615.
TRANSFER FROM DEVELOPMENT	
CHARGES RESERVE FUND	\$ 898,173.

AND FURTHER THAT THE DIFFERENCE BETWEEN THE AVERAGE POLICING BUDGET AND THE 2008 BUDGET AMOUNT, WHICH IS APPROXIMATELY \$150,000.00, BE ALLOCATED TO CAPITAL AND TRANSFERRED TO RESERVE FOR THE BUILDING EXPANSION.

CARRIED.

7. OTHER BUSINESS:

7.1 Agreement – Engineering Services – Water Distribution System Improvements:

Council received a verbal report from the Director of Public Works in regard to an agreement for engineering services for water distribution system improvements.

The Director of Public Works advised that the related by-law will be presented to Council for consideration later in the meeting.

7.2 Appointment – Municipal Law Enforcement Officer:

Council received a verbal report from the Director of Planning & Development in regard to the appointment of a Municipal Law Enforcement Officer to fulfill a 6-month term.

The Director of Planning & Development spoke to the matter and advised that the related by-law will be presented to Council for consideration later in the meeting.

7.3 Community Improvement Plan:

Council reviewed a report from the Director of Planning & Development under date of May 7th, 2008 in regard to the proposed Community Improvement Plan.

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

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR BILL RAWSON

**THAT THE COMMUNITY IMPROVEMENT PLAN BE APPROVED.
CARRIED.**

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

**THAT THE COMMUNITY IMPROVEMENT COMMITTEE BE
APPOINTED.**

CARRIED.

7.4 Proposed Official Plan Amendment – 2999 Ogdens Beach Road:

Council reviewed a report from the Director of Planning & Development under date of May 8th, 2008 in regard to proposed Official Plan Amendment No. 34 and proposed agreement for monitoring a waste disposal assessment area.

The Director spoke to the matter and advised that a report will be brought forward for Council's consideration during the June Council meeting.

7.5 Proposed Plan of Subdivision & Zoning By-law Amendment – 344 Park St.:

Council reviewed a report from the Director of Planning & Development under date of May 8th, 2008 in regard to an application received by 2139856 Ontario Inc. to amend Zoning By-law 2000-57 that proposes to rezone lands known as 344 Park Street.

The Director spoke to the matter and advised that a report will be brought forward for Council's consideration during the June Council meeting.

7.6 Transfer of Funds to the Environmental Budget:

We received a verbal report from the C.A.O. in regard to transfer of funds to the environmental budget.

**MOVED BY: COUNCILLOR BILL RAWSON
SECONDED BY: COUNCILLOR NELSON BAUMGARDNER
WHEREAS THE MUNICIPALITY CONSIDERED A PROPOSAL FROM
NT POWER REGARDING THE FUNDING OF THE 2001 TO 2006 HYDRO
BILLING;
AND WHEREAS COUNCIL PASSED MOTIONS AT ITS SEPTEMBER
2007 MEETING THAT CANNOT BE IMPLEMENTED;
AND WHEREAS HOLDCO HAS DECLARED A DIVIDEND TO THE
MUNICIPALITY FOR THE YEAR 2007;
AND WHEREAS THE ENVIRONMENTAL DEPARTMENT HAS
INCURRED UNUSUAL EXPENDITURES FOR A PRIOR PERIOD;
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF TAY AUTHORIZES THE TREASURER TO TRANSFER
\$371,682.00 FROM THE GENERAL TOWNSHIP OPERATIONS BUDGET
TO THE SEWER OPERATIONS BUDGET FOR THE YEAR 2007.**

CARRIED.

7.7 Employment Retirement Notice:

Council received a verbal report from the C.A.O. advising that Fred Potter announced his retirement. The C.A.O. advised that Fred Potter has devoted 38 years of municipal service and will officially retire August 31st, 2008.

7.8 Clerk Position Announcement:

Council received a verbal report from the C.A.O. announcing that Alison Thomas accepted the position of Clerk and will assume her employment with the Township June 16th, 2008.

7.9 On-Line Enrollment Benefits Express Services:

Council received a verbal report from the Director of Finance in regard to an agreement with the Co-operators Life Insurance Company Limited for on-line enrolment benefits express services.

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

8. BY-LAWS:

**MOVED BY: COUNCILLOR BILL RAWSON
SECONDED BY: COUNCILLOR NELSON BAUMGARDNER
THAT LEAVE BE GRANTED TO INTRODUCE BY-LAWS 2008-19,
2008-20, 2008-23, 2008-24, 2008-25, 2008-27 AND 2008-31.**

CARRIED.

MOVED BY: COUNCILLOR NELSON BAUMGARDNER

SECONDED BY: COUNCILLOR BILL RAWSON

THAT BY-LAWS 2008-19, 2008-20, 2008-23, 2008-24, 2008-25, 2008-27 AND 2008-31 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. ADJOURNMENT:

MOVED BY: COUNCILLOR BILL RAWSON

SECONDED BY: COUNCILLOR NELSON BAUMGARDNER

THAT THIS REGULAR MEETING OF COUNCIL ADJOURN AT 8:36 P.M. AND TO RECONVENE ON JUNE 11, 2008 AT 7:00 P.M.

CARRIED.

MAYOR

CLERK(A)