

MINUTES OF THE FIFTY-SIXTH REGULAR MEETING OF COUNCIL HELD ON THE TENTH DAY OF AUGUST 2009 AT THE MUNICIPAL OFFICE, 420 LESLIE AVENUE, THUNDER BAY, ONTARIO AT THE HOUR OF 5:00 P.M.

THOSE PRESENT: Reeve Maria Harding
Councillor Alana Bishop
Councillor Donna Blunt
Councillor Ab Covello
Councillor Ron Giardetti

ALSO PRESENT: Wendy Hamlin, Clerk
Eric Collingwood, Chief Administrative Officer
Craig Baumann, Manager of Operations
Blair Arthur, Fire Chief
Joe Drcar, Deputy Fire Chief
Don Manahan, Manahan Planning
Mrs. Barbara Crooks
Mrs. Jo-Anne Hamelin
Mr. & Mrs. Leslie Fairall, Silver Lake Park Ltd.

1. CALL TO ORDER

Resolution No.: 1270/09	
Moved by:	Ab Covello
Seconded by:	Donna Blunt
THAT this Meeting of Council is hereby called to order at 5:00 pm.	
CARRIED	

2. DISCLOSURE OF PECUNIARY INTEREST

There was no disclosure of pecuniary interest by any member of Council on any item listed on the agenda.

3. APPROVAL OF AGENDA

Resolution No.: 1271/09	
Moved by:	Donna Blunt
Seconded by:	Ab Covello
THAT the agenda be accepted as presented.	
CARRIED	

Public Meeting Portion to receive input for an Official Plan Amendment

The Reeve informed those present that the meeting was being held by Council under Section 17 of the Planning Act to consider a proposed Official Plan Amendment. Where a public meeting is set out in legislation such as this one is, Council has a legal responsibility to deliver a fair and unbiased hearing to all matters that are brought to its attention meaning that Council members cannot enter into discussion and/or debate as long as the formal public hearing is in session. She further explained that that a report will be made to Council giving planning evaluation and, in some instances recommendations concerning the issues that have been raised.

The Clerk explained that the purpose of the proposed official plan amendment is to recognize a portion of Lambert Lane for land severance purposes and would allow Alexander Patterson, the owner of Lot 7; Plan 55M-505 the opportunity to apply to the Committee of Adjustment to create a new lot and that it applies only to Mr. Patterson's

property. She confirmed that the notice of the public meeting was sent in accordance with the Planning Act and read out the purpose and effect of the proposed amendment.

The Clerk then informed those present that comments were received from the Lakehead Region Conservation Authority (LRCA) with no concerns or objections on the application but to advise the applicant that a portion of the property is affected by the LRCA's development, interference with wetlands and alteration to shorelines and watercourses regulations.

The Reeve informed those present that any person may express his or her views on the proposed amendment being heard this evening, and a record will be kept of all comments. When addressing the Chair, please state your name and the location of your property. Written comments may be submitted to the Clerk.

The Reeve then asked if anyone wished to speak in favour of this proposed Amendment.

Don Manahan, Planning Consultant. Mr. Manahan explained that Lambert Island Ltd. owns all the properties and explained that each owner has a share, in Mr. Patterson case he owns 2 shares explaining that when the subdivision was created there were two lots located on what became Lot 7.

Mr. Manahan went on to explain that the Official Plan policies state that where there is a land severance to create a new lot, a public road is required. He reviewed the history of Lambert Lane and the bridge, and informed Council that if the amendment is approved an application would be forwarded to the Committee of Adjustment for approval of a severance.

The Reeve asked three times if anyone wished to speak against this proposed amendment. There was no response. She then closed the public input portion of the meeting and returned to Council's regular agenda.

4. CLOSED SESSION

5. MINUTES OF PREVIOUS MEETING

- a) Minutes of previous minutes of Council held July 13, 2009

Resolution No.: 1272/09	
Moved by:	Ab Covello
Seconded by:	Donna Blunt
THAT the Minutes of the previous Meeting of Council held July 13, 2009 be adopted as circulated and filed in the Clerk's Office.	
CARRIED	

- b) Matters Arising from Previous Minutes

Councillor Bishop inquired if the Planning Opinion was forwarded to Mrs. Powell. The CAO stated yes and it will be discussed later in the evening when the Committee of the Whole reconvenes.

6. PETITIONS AND DELEGATIONS

- a) Deputation from Barb Crooks re: Survey Costs associated with purchase of road allowance.

Mrs. Crooks presented Council with a copy of her presentation and stated that her concern with respect to her being requested to pay 50% of a survey

requested by Mr. Axent and then paid for by the Municipality. She then reviewed the history events with respect to the steps needed to complete the sale of land. She questions if it is policy for the Municipality to pay personal invoices and get involved in property owner's disputes. They have no dispute with Mr. Axent and worked with him on the line that was to be drawn.

She commented on the memo to Council from Mr. Collingwood on this matter, and was aware they were responsible for costs, but not the survey costs. She spoke to various items within the memo. She disagreed with portions of the memo. She would like the Municipality to consider that accepting and paying the invoice as an employee error and to take responsibly to pay same.

b) Deputation from Jo-Anne Hamelin re: Aggregate Road access from the Mackenzie Moraine.

Mrs. Hamelin presented the CAO with a copy of her presentation. She informed Council that she is making the deputation as she feels there is a serious Aggregate Access problem building up in Shuniah that needs to be addressed and that there will be a high demand for aggregate with respect to the refurbishing of 11/17. She spoke to the recommendations in the Mackenzie Moraine Study. She spoke to her concerns with Bruno's aggregate operation and Hacquoil's recent submission to the Ministry of approval.

In summary, she stated that, she as a past Council and Planning Advisory member, strongly believes that it is time to appoint a Planning Advisory Committee to work with community and administration in reviewing and updating the Official Plan and Zoning By-laws and to review the use of MacGregor Road to be a new access to the Mackenzie Moraine.

Mrs. Hamelin then spoke to Hacquoil Construction's application to the Ministry of Natural Resource for a quarry in Shuniah noting that there is a session Wednesday August 12, 2009. She explained the site notes on the plans include a listing of the intended methods of operation. She felt that this is a serious matter that could have a high impact on the community, see asked Council and Administration to stay up to date with the Hacquoil application. She explained that the site notes include reference to an asphalt plant, noting Hacquoil's property is within the Aggregate Extraction Zone, which does not allow for crushing. She spoke to the proposed access road with respect to the four laning, will be close to Haugen Road. She suggested Council look at grants to help fund utilizing the MacGregor Road.

The time being, 5:40 pm the Reeve requested Council return to Committee of the Whole of Council to complete its agenda. Council concurred.

After adjourning as the Committee of the Whole; Council reconvened at 6:35 pm.

At this time the Reeve excused herself due to another commitment and turned the Chair over to Councillor Bishop, as Acting Reeve.

7. REPORTS & MINUTES FROM OTHER BOARDS & COMMITTEES

a) Minutes of the Meeting of the Committee of the Whole of Council held July 13, 2009

Resolution No.: 1273/09

Moved by: Ab Covello
Seconded by: Donna Blunt

THAT the Minutes of the Meeting of the Committee of the Whole of Council held July 13, 2009 be adopted as circulated and filed in the Clerk's Office.

CARRIED

b) Minutes of the Tender Opening Committee held July 10, 2009

Resolution No.: 1274/09	
Moved by:	Donna Blunt
Seconded by:	Ron Giardetti
THAT the Minutes of the Tender Opening Committee held July 10, 2009 be received as circulated and same be filed in the Clerk's Office.	
CARRIED	

c) Minutes of the Thunder Bay District Health Unit Board of Health Meeting held June 17, 2009

Resolution No.: 1275/09	
Moved by:	Ab Covello
Seconded by:	Donna Blunt
THAT the Minutes of the Thunder Bay District Health Unit Board of Health Meeting held June 17, 2009 be received as circulated and same be filed in the Clerk's Office.	
CARRIED	

d) North of Superior Tourism Board Information on past President

Resolution No.: 1276/09	
Moved by:	Donna Blunt
Seconded by:	Alana Bishop
THAT the information received from the North of Superior Tourism Board meeting with respect to the past president be received as circulated and same be filed in the Clerk's office.	
CARRIED	

e) Northwestern Ontario Municipal Association Regional Conference being held Sept 30, Oct 1 -2 in Thunder Bay

Resolution No.: 1277/09	
Moved by:	Ron Giardetti
Seconded by:	Donna Blunt
THAT Council hereby receives the updated information on the Northwestern Ontario Regional Conference 2009 being held in Thunder Bay September 30, to October 2, 2009 and that Administration is directed to forward registration as directed at Council's May 11, 2009 meeting.	
CARRIED	

The Clerk undertook to contact each Council member in two weeks and confirm who would like to attend.

f) Copy of the Letter sent from the Thunder Bay District Social Services re: Landlord and Tenant Board Hearing in Thunder Bay

Resolution No.: 1278/09

Moved by: Ron Giardetti
Seconded by: Ab Covello

THAT the Copy of the Letter sent from the Thunder Bay District Social Services re: Landlord and Tenant Board Hearing in Thunder Bay be received as circulated and same be filed in the Clerk's Office.

CARRIED

- g) Minutes from the Lakehead Region Conservation Authority Source Protection Committee meeting held June 3, 2009

Resolution No.: 1279/09

Moved by: Ron Giardetti
Seconded by: Donna Blunt

THAT the Minutes from the Lakehead Region Conservation Authority Source Protection Committee meeting held June 3, 2009 be received as circulated and same be filed in the Clerk's Office.

CARRIED

8. MOTIONS AND NOTICE OF MOTIONS

- a) By-law Enforcement
- b) Building and Planning
- c) Public Works
 - i) Request to Hold in-line Skate for MS on Lakeshore Drive on July 18th, 2010

Resolution No.: 1280/09

Moved by: Ab Covello
Seconded by: Donna Blunt

WHEREAS the Multiple Sclerosis Society of Canada Thunder Bay Chapter is requesting a reduced flow in traffic along Lakeshore Drive to conduct an In-line Skate Event;

AND WHEREAS the above noted event is scheduled to be held on July 18, 2010 commencing at 7:00 am and continuing through to 10:00 am;

AND WHEREAS the Multiple Sclerosis Society of Canada Thunder Bay Chapter has been in contact with the Ontario Provincial Police and are informed in regards to the *Highway Traffic Act* and recognize the volunteers role in ensuring a safe flow of traffic during the above noted event;

AND WHEREAS the Multiple Sclerosis Society of Canada Thunder Bay Chapter shall submit proof of insurance to the Municipality showing the Municipality as an additional insured with respect to this event and further that a Certificate of Insurance be submitted;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Shuniah supports the above noted event on the condition that the reduced flow in traffic on Lakeshore Drive will not deprive any person of the means of ingress and egress to and from any person's land or place of residence over the above noted roads;

AND FURTHER THAT the Municipality shall not be responsible for any costs for extra policing services for the above noted event, such costs shall be borne by the Multiple Sclerosis Society of Canada Thunder Bay Chapter.

CARRIED

- d) Fire Department
- e) Administration
 - i) Closed Meeting Investigator Program

Resolution No.: 1281/09	
Moved by:	Ron Giardetti
Seconded by:	Donna Blunt
<p>THAT Council hereby receives the Clerk's report on the invoice received from Local Authority Services Ltd. for a 2 year agreement with respect to the Closed Meeting Investigator Program and directs Administration to inform the LAS that the agreement will not be renewed.</p> <p style="text-align: center;">CARRIED</p>	

- f) Finance Department
 - i) Memo from Eric Collingwood, CAO re: Survey costs

Resolution No.: 1282/09	
Moved by:	Donna Blunt
Seconded by:	Ron Giardetti
<p>THAT Council hereby receives the CAO's report dated July 29, 2009 on the Axent and Crooks Purchase of land and directs Administration to request Mrs. Crooks to supply her reference plan prior to our discussion.</p> <p style="text-align: center;">CARRIED</p>	

- ii) Monthly Expenditures for July 2009

Resolution No.: 1283/09	
Moved by:	Donna Blunt
Seconded by:	Ron Giardetti
<p>THAT the Council of the Municipality of Shuniah hereby authorizes payment of the accounts for the month of July 2009 in the amount of \$303,269.96.</p> <p style="text-align: center;">CARRIED</p>	

- iii) Infrastructure Stimulus Fund

Resolution No.: 1284/09	
Moved by:	Ab Covello
Seconded by:	Ron Giardetti
<p>THAT Council hereby receives the information on the Infrastructure Stimulus Fund confirming the Federal and Provincial governments share of contributions towards the Grandview Beach Rehabilitation and Asphalt Paving Project and same be filed in the Clerk's Office.</p> <p style="text-align: center;">CARRIED</p>	

9. REPORTS OF REEVE AND MEMBERS OF COUNCIL

- a) Copy of the Reeve's Presentation for submission to the Standing Committee to receive input on Bill 173, the Mining Act

Resolution No.: 1285/09

Moved by: Donna Blunt
Seconded by: Ron Giardetti

THAT a Copy of the Reeve's Presentation for submission to the Standing Committee to received input on Bill 173, the Mining Act be received as circulated and same be filed in the Clerk's Office.

CARRIED

10. CORRESPONDENCE

a) General

Resolution No.: 1286/09

Moved by: Ab Covello
Seconded by: Ron Giardetti

THAT the following items of General Correspondence be received as circulated and filed in the Clerk's Office:

- i) Letter from Don and Carol Axent re: Survey costs
- ii) Letter from Larry Lambert Ministry of Transportation re: Snowplowing of Municipal Road entrances
- iii) Letter from Reeve Harding to Larry Lambert requesting an address to outstanding issues.
- iv) Township of Schreiber media release re: "waste pelletizing" plant
- v) Response letter from Michael Gravelle re: Harmonizing the Provincial Sales Tax
- vi) Email to Iain Angus from Reeve Harding regarding maintenance of the section of Hwy 11/17 between Mackenzie Station Rd and Birch Beach.
- vii) Letter from Rick Inman Ministry of Transportation re: Public Access along new four land corridor and Minutes from the 4 lane meeting held June 16th 2009 at the Municipality of Shuniah office.
- viii) Email from Rick Inman Ministry of Transportation re: Review of T-intersection for east connection and access at Birch Beach
- ix) Thank you letter from MS Society re: Run and Roll for MS 2009
- x) AMO Alert: Government releases Draft Built Environment Standard for Accessibility for Ontarians with Disabilities Act
- xi) Thank you note from John Stadlander
- xii) Copy of Letter to Hon. Michael Gravelle from Hon. Jim Bradley Minister of Transportation re: Advanced Purchase Policy

CARRIED

Item VIII) Email from Rick Inman Ministry of Transportation (MTO) re: Review of T-intersection for east connection and access at Birch Beach

The CAO explained the MTO stated that Municipality had requested another access road which they could do however the Municipality would need to pay for it. The Reeve stated that the Municipality needs to continue to work on this issue and suggested that Council consider a resolution at its next meeting. The CAO noted that in discussions with Don Manahan, another access by Beck Road could provide for a further corridor.

b) Referred

- i) Letter from Don MacLeod re: Quads on abandoned Kinghorn line

Resolution No.: 1287/09

Moved by: Ron Giardetti
Seconded by: Ab Covello

THAT the letter from Don MacLeod with concerns of quads racing through private lands via access along the abandoned CN Kinghorn Line be received as presented and that it be referred to the Committee of the Whole of Council for further discussion.

CARRIED

11. BY-LAWS

- a) A by-law to allow temporary rezoning of property from the Rural Zone to Aggregate Extraction Zone

Resolution No.: 1288/09

Moved by: Donna Blunt
Seconded by: Ron Giardetti

BE IT RESOLVED THAT a by-law to amend By-law No. 2038-00 to allow for temporary rezoning of property from the Rural Zone to the Aggregate Extraction Zone be received and deemed to have been read a third time and numbered 2406-09.

AND THAT the said By-law be engrossed in the By-law Book.

CARRIED

- b) A by-law to amend By-law 2038-00 to add the definition for Private Personal Recreation to Section 5 - Definitions

Resolution No.: 1289/09

Moved by: Ron Giardetti
Seconded by: Ab Covello

BE IT RESOLVED THAT a by-law to amend By-law No. 2038-00 by adding a definition for "Private Personal Recreation" be received and deemed to have been read a third time and numbered 2407-09;

AND THAT the said By-law be engrossed in the By-law Book.

CARRIED

- c) A site specific by-law to amend By-law 2038-00 to allow for personal private recreation and to allow existing accessory buildings to remain without a main dwelling or main agricultural use.

Resolution No.: 1290/09

Moved by: Ab Covello
Seconded by: Ron Giardetti

BE IT RESOLVED THAT a by-law to amend By-law No. 2038-00 to allow for site specific zoning that would recognize existing accessory buildings be received and deemed to have been read a third time and numbered 2408-09;

AND THAT the said By-law be engrossed in the By-law Book.

CARRIED

- d) A by-law to authorize Reeve and Clerk to enter into an Employment Agreement with the Chief Administrative Officer, to be presented at meeting, pending discussions under personnel matters in Committee of the Whole of Council.

Resolution No.: 1291/09

Moved by: Donna Blunt
Seconded by: Ron Giardetti

THAT a by-law to authorize the Reeve and Clerk to enter into an Employment Agreement with the CAO be read a First and Second Time this Tenth Day of August 2009;

AND THAT same be referred to the Committee of the Whole.

CARRIED

- e) A by-law to declare certain lands owned by the Municipality of Shuniah as surplus and to authorize Real Property to be disposed of

Resolution No.: 1292/09

Moved by: Ron Giardetti
Seconded by: Donna Blunt

THAT a by-law to declare certina lands as surplus and to authorize the Real Property to be sold to Silver Lake Park Ltd. be read a First and Second Time this Tenth Day of August 2009;

AND THAT same be referred to the Committee of The Whole.

CARRIED

Councillor Blunt requested that due to the nature of the by-law she requests Council to complete Third and Final Reading.

Resolution No.: 1293/09

Moved by: Donna Blunt
Seconded by: Ron Giardetti

BE IT RESOLVED THAT declare certain lands as surplus and to authorize the Real Property to be sold to Silver Lake Park Ltd. be received and deemed to have been read a third time and numbered 2409-09;

AND THAT the said By-law be engrossed in the By-law Book.

CARRIED

12. UNFINISHED BUSINESS

- a) Requests to purchase road allowances

Committee of the Whole has deferred this subject mater to a Special Meeting on September 17, 2009 at 4 pm.

Resolution No. 1294/09 missed being issued.

13. NEW BUSINESS

- a) Community Schools Alliance request for support

Resolution No.: 1295/09

Moved by: Donna Blunt
Seconded by: Ron Giardetti

WHEREAS communities across Ontario are concerned with the Accommodation Review Committee process and the impact this flawed process has on the socio-economic fabric of our municipalities;

AND WHEREAS many schools are the hubs of their communities, a better accommodation review system is needed to address the educational facility needs of our residents;

AND WHEREAS a system to address the educational facility needs in Ontario must ensure that school boards and municipal councils partner on decisions regarding education infrastructure;

AND WHEREAS greater accountability for school board decisions is needed;

AND WHEREAS a thorough review of the governance model for school accommodation decisions must include an opportunity to appeal these decisions;

AND WHEREAS the accommodation review process should respect and value the input of students, parents, the community and municipality;

THEREFORE BE IT RESOLVED that the Province of Ontario be petitioned to implement a "smart moratorium" on disputed school closings to provide the opportunity for the Ministry of Education, school boards and municipalities to work together to develop policies addressing such issues as planning for declining enrolments, a mutually agreed upon Accommodation Review Committee process, a review of funding to rural and small community schools, and transparency and accountability between municipalities and school boards.

CARRIED

- b) Township of Gillies request for program and financial support for the Northern Ontario Agricultural Economic Impact Study

Resolution No.: 1296/09

Moved by: Ab Covello
Seconded by: Donna Blunt

WHEREAS the Thunder Bay Federation of Agriculture is undertaking a Northern Ontario Economic Impact Study to identify and illustrate in a measured way the economic impact that the agricultural industry has on the economies of the Districts of Thunder Bay, Rainy River, Kenora and Cochrane;

AND WHEREAS such a study will benefit the economic growth and diversity of the agricultural industry in Northwestern Ontario and be a key component of future potential investment opportunities;

AND WHEREAS it has been requested that the municipalities of Shuniah, Neebing, Oliver Paipoonge, Gillies, Conmee, O'Connor, Dorion and the City of Thunder Bay partner on an application to the Northern Community Investment Readiness Fund to help support a portion of the financing of this study;

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Shuniah supports a shared application to the Northern Community Investment Readiness Fund for the Northern Ontario Agricultural Economic Impact Study being sponsored by the Thunder Bay Federation of Agricultural; and

FURTHER BE IT RESOLVED THAT the Corporation of the Municipality of Shuniah commits \$125 to this project which represents their 25% share of the total \$4,000 funding being requested.

CARRIED

