

MINUTES OF THE FORTY-FOURTH REGULAR MEETING OF COUNCIL HELD ON THE TWELFTH DAY OF JANUARY 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, CAO, Deputy Clerk
Craig Baumann, Manager of Operations
Blair Arthur, Fire Chief
Wendy Landry and Wendy Savoy, Shuniah Recreation Committee
Kathy Manuala, Supervisor Shuniah Youth Group
Carl Koates, Jo-Anne Hamelin, Kennard Baker, of the Shuniah Community Policing Committee
Constable Wojciechowski, OPP Liaison Officer

1. CALL TO ORDER

Resolution No.: 962/09

Moved By: Donna Blunt
Seconded By: Ab Covello

THAT this Meeting of Council is hereby called to order at 5:15 pm

CARRIED

2. DISCLOSURE OF PECUNIARY INTEREST

3. APPROVAL OF AGENDA

Resolution No.: 963/09

Moved By: Donna Blunt
Seconded By: Ron Giardetti

THAT the agenda be accepted as presented.

CARRIED

4. CLOSED SESSION

The Reeve informed those present that originally Council invited representatives from the Community Policing, the Youth Group and the Recreation Committee to meet with Council in a Closed Session to discuss personnel matters. The Reeve explained that a closed session may not be necessary and requested the concurrence of Council to remain in open session and to receive submissions from the parties present. Council concurred to hold discussion in open session.

Wendy Landry informed Council the sub committee of the Youth Group held a joint meeting with the Shuniah Recreation and the Shuniah Community Policing Committees to discuss the Youth Group and to formalize who will oversee what programming. Wendy Landry reviewed the history of the development of the Youth Group, and now as the program is being successful in funding, its time to establish everyone's mandate. With the establishment of the Recreation Committee, the Policing Committee would go back to its original mandate; the Recreation Committee will work with the Youth Group.

After a lengthy discussion between Council and those present it was determined that, the Youth Group Co-ordinator would report to the Recreation Committee who would in turn report directly to Council. The Youth Group Co-ordinator would also communicate with municipal staff.

Administration was directed to prepare an amendment to the Terms of Reference for the Shuniah Recreation Committee to include the Youth Group's Programming. Council would establish a budget for the Committee along with authorizing accounts and payroll for the Youth Group Program.

5. MINUTES OF PREVIOUS MEETING

a) Minutes of the previous Meeting of Council held December 8, 2008

Councillor Blunt informed Council that she spoke to the Clerk who will amend the minutes with respect to a nominal error.

Resolution 964/09 missed and therefore not issued.

Resolution No.: 965/09

Moved By: Ab Covello
Seconded By: Donna Blunt

THAT the minutes of the Forty-third Regular Meeting of Council held December 8, 2008 be adopted as circulated and filed in the Clerk's Office. And filed in the Clerk's Office.

CARRIED

b) Matters Arising from Previous Minutes

6. PETITIONS AND DELEGATIONS

7. REPORTS & MINUTES FROM OTHER BOARDS & COMMITTEES

a) Minutes of the Committee of the Whole of Council meeting

Resolution No.: 966/09

Moved By: Alana Bishop
Seconded By: Ron Giardetti

THAT Minutes of the Thirty-first Regular Meeting of the Committee of the Whole of Council held December 8, 2008, be adopted as circulated and filed in the Clerk's Office.

CARRIED

b) Minutes of the Thunder Bay District Health Unit meeting held November 18, 2008

Resolution No.: 967/09

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the Minutes of the Thunder Bay District Health Unit meeting held November 18, 2008 be received as circulated and filed in the Clerk's Office.

CARRIED

- c) Minutes of the Lakehead Region Conservation Authority (LRCA) Source Protection Authority meeting held October 15, 2008

Resolution No.: 968/09

Moved By: Donna Blunt
Seconded By: Ab Covello

THAT the Minutes of the Lakehead Region Conservation Authority (LRCA) Source Protection Authority meeting held October 15, 2008 be received as circulated and filed in the Clerk's Office

CARRIED

At this time Councillor Blunt informed Council that the Hazelwood Conservation Centre is now being catered by the White Fox Inn.

- d) Minutes of the LRCA Source Protection Committee meeting held November 5, 2008

Resolution No.: 969/09

Moved By: Alana Bishop
Seconded By: Ab Covello

THAT the Minutes of the LRCA Source Protection Committee meeting held November 5, 2008 be received as circulated and filed in the Clerk's Office.

CARRIED

- e) Minutes of the LRCA meeting held November 19, 2008

Resolution No.: 970/09

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the Minutes of the LRCA meeting held November 19, 2008 be received as circulated and filed in the Clerk's Office.

CARRIED

- f) Notice of the LRCA Foundation Fundraising Dinner

Resolution No.: 971/09

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the following persons are hereby authorized to attend the Lakehead Region Conservation Authority Foundation Fundraising Dinner being held February 12, 2009 at the Slovak Legion and that their expenses be paid according to policy:

Eric Collingwood , Ron Giardetti, Ab Covello.

CARRIED

- g) Correspondence from Ken Taniwa re: MPP Mike Brown to proclaim third Sunday in July as Lake Superior day.

Resolution No.: 972/09

Moved By: Donna Blunt
Seconded By: Ab Covello

THAT the Correspondence from Ken Taniwa re: MPP Mike Brown to proclaim third Sunday in July as Lake Superior day, be received as circulated and 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) Ministry of Transportation – request permission to enter

Resolution No.: 973/09

Moved By: Ron Giardetti
Seconded By: Alana Bishop

THAT the Ministry of Transportation (MTO) has requested permission to enter upon Municipal Lands for the purpose of conducting geotechnical investigations, engineering surveys, fisheries, and archaeological assessments of the property in order to provide information necessary with respect to the construction of the four-lane Highway 11/17;

AND THAT MTO will have future requests to enter onto Municipal Lands to conduct similar investigations and assessments;

THEREFORE BE IT RESOLVED THAT Council hereby authorizes the Manager of Operations to review and, when proven satisfactory, approve the requests submitted by MTO from time to time.

CARRIED

Clerk was directed to contact MTO and confirm whether or not they would be returning to Council to update on the four laning.

- ii) Request to repair damages to property at 2433 Scott Drive

Resolution No.: 974/09

Moved By: Ab Covello
Seconded By: Alana Bishop

THAT Dr. Gregory and Kimberly Frances have requested the municipally reimburse them for repair costs incurred for damages caused by water draining through their property located at 2433 Scott Drive:

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Shuniah hereby supports the request and authorize the Treasurer to pay _____ of the total bill included with their reques.

DEFEATED

- d) Fire Department
- e) Administration
- f) Finance Department
 - i) Monthly expenditures for December 2008

Resolution No.: 975/09

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the Council of the Municipality of Shuniah hereby authorizes payment of the accounts for the Month of December 2008 in the amount of \$721,545.04.

CARRIED

- ii) Ministry of Municipal Affairs and Housing (MMAH) report on 2008 Performance Measures

Resolution No.: 976/09

Moved By: Alana Bishop
Seconded By: Ab Covello

THAT Council receives a copy of the information on reporting requirements for the 2008 Municipal Performance Measurements Program (MPMP) supplied by the Ministry of Municipal Affairs and Housing, and same be filed in the Clerk's Office.

CARRIED

- iii) AMO Communication re: Federal Gas Tax Extension

Resolution No.: 977/09

Moved By: Donna Blunt
Seconded By: Alana Bishop

THAT Council receives a copy of information supplied by the Association of Municipalities Ontario (AMO) on the Federal Gas Tax- Four Year Extension Funding Announcement, and same be filed in the Clerk's Office.

CARRIED

- iv) Thunder Bay District Municipal League 2009 Budget

Resolution No.: 978/09

Moved By: Ab Covello
Seconded By: Donna Blunt

THAT Council receives a copy of 2009 Budget for the Thunder Bay District Municipal League (TBDML) and same be filed in the Clerk's Office.

CARRIED

- v) Thunder Bay District Social Services 2009 Budget

Resolution No.: 979/09

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT Council receives a copy of 2009 Budget for the Thunder Bay District Social Services Administration Board (TBSSAB)'s 2009 Budget and same be filed in the Clerk's Office.

CARRIED

- vi) Municipal Property Assessment Corporation (MPAC) Current Value Interpretation re: "Current Value" request for support

Resolution No.: 980/09

Moved By: Ron Giardetti
Seconded By: Alana Bishop

WHEREAS the Assessment Review Board (ARB), in a decision released earlier this year, interpreted the term "current value" in the Assessment Act in a way that would significantly change how the Municipal Property Assessment Corporation (MPAC) assesses properties across the province. In a decision related to the "Bank Towers" in the City of Toronto, they ruled that "current value" for assessment purposes should be based only on the interest of the owner, exclusive of any tenant interest, and that the buildings must be valued as if vacant.

THEFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Shuniah hereby urges the Provincial Government to intervene in the form of a legislative amendment to the definition in the Assessment Act of "current value" in order to avoid a lengthy and unpredictably appeal litigation, and financial uncertainty for municipalities;

FURTHER THAT a copy of this resolution be forwarded to local members of parliament.

CARRIED

9. REPORTS OF REEVE AND MEMBERS OF COUNCIL

Councillor Bishop gave an update on her efforts to have the records of Terry Fox Run acknowledge that it ended in the Municipality and informed Council that she completed an interview with Shane Judge on CBC Radio.

Councillor Bishop handed out information on the Rails for Trails and explained that the Ad Hoc Committee are currently trying to establish a draft business case and are seeking letters of support to be used in applications for funding to complete a feasibility study. Administration was directed to prepare a resolution for the next meeting of Council in support the Committee's efforts in obtaining a feasibility study.

10. CORRESPONDENCE

- a) General

Resolution No.: 981/09

Moved By: Alana Bishop
Seconded By: Donna Blunt

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

- i) THAT Copy of the correspondence from Bill Paul for the Bay Beach Campers Association and Ishkibble Beach Limited sent to Canadian National Railway lines re: Kinghorn Subdivision.
- ii) MPAC 2008 Assessment Update
- iii) Terry Fox Monument Parks Canada request for comments
- iv) Letter from Hon. Michael Gravelle re: support Councillor Bishop's request to Parks Canada
- v) Terry Fox inscription and revised inscription
- vi) AMO communication re: Ontario's Municipal Leadership Federal Budget Consultations
- vii) Letter from Larry Lambert re: reflective markers
The Clerk was directed to contact Staff Sgt. Mantey as to whether or not the OPP forwarded concerns of the reflective markers.
- viii) Thank you letter from Drugs and Addiction cutting edge publication

CARRIED

b) Referred

11. BY-LAWS

a) A by-law to establish a waste management system 3rd reading

Resolution No.: 982/09

Moved By: Alana Bishop
Seconded By: Ab Covello

BE IT RESOLVED THAT a by-law to establish a waste management system be received and deemed to have been read a third time and numbered 2366-09;

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

CARRIED

b) A by-law to enter into an agreement with the Minister of Public Safety and Security (Police Services) 3rd reading

Resolution No.: 983/09

Moved By: Donna Blunt
Seconded By: Alana Bishop

BE IT RESOLVED THAT A by-law to enter into an agreement with the Minister of Public Safety and Security for Police Services be received and deemed to have been read a third time and numbered 2367-09;

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

CARRIED

c) A by-law to open and close a portion of road allowance between Plan 758 and M-100

Resolution No.: 984/09

Moved By: Alana Bishop
Seconded By: Ron Giardetti

THAT a by-law to open and close a portion of road allowance between Plan 758 and M-100 be read a First and Second Time this Twelfth day of January 2009;

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

CARRIED

Councillor Bishop requested that due to the nature of the by-law that third and final reading be completed.

Resolution No.: 985/09

Moved By: Alana Bishop
Seconded By: Ab Covello

BE IT RESOLVED THAT a by-law to open and close a portion of road allowance between Plan 758 and M-100 be received and deemed to have been read a third time and numbered 2368-09;

AND THAT THE said By-law be engrossed in the by-law book.

CARRIED

d) A by-law to appoint auditors and repeal By-law No. 2090-02

Resolution No.: 986/09

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT a by-law to appoint auditors and repeal By-law No. 2090-02 be read a First and Second Time this Twelfth day of January 2009;

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

CARRIED

Councillor Bishop requested that due to the nature of the by-law that third and final reading be completed.

Resolution No.: 987/09

Moved By: Alana Bishop
Seconded By: Donna Blunt

BE IT RESOLVED THAT a by-law to appoint auditors and repeal By-law No. 2090-02 be received and deemed to have been read a third time and numbered 2369-09;

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

CARRIED

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a) Request for Support from the Township of Comnee re: MPAC fees.

Resolution No.: 988/09

Moved By: Ron Giardetti
Seconded By: Alana Bishop

THAT the Council of the Corporation of the Municipality of Shuniah hereby supports the Council of the Township of Comnee's Resolution No. 2008-217 passed November 25, 2008 in its concerns expressed with the "current value" assessment method being used by the Municipal Property Assessment Corporation (MPAC) and further in its request to the Province of Ontario to review the activities and processes of MPAC in order to correct the problems that the "Current Value" assessment method has caused and to ensure that timely and correct information is received from MPAC on a regular basis.

CARRIED

14. CONFIRMATORY BY-LAW

Resolution No.: 989/09

Moved By: Ab Covello
Seconded By: Donna Blunt

THAT a by-law to confirm the proceedings of Council be read a First, Second and Third time on this Twelfth Day of January 2009 and Numbered 2370-09;

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

CARRIED

15. ADJOURNMENT

Resolution No.: 990/09

Moved By: Donna Blunt
Seconded By: Alana Bishop

THAT the hour of 7:33 pm having arrived the meeting adjourn.

CARRIED

CONFIRMED AND ADOPTED THIS 26th DAY OF January 2009

Marie Karamung Reeve

Alana Bishop Clerk