

MINUTES OF THE SIXTY-FIFTH REGULAR MEETING OF COUNCIL HELD ON THE TWENTY-FIFTH DAY OF JANUARY 2010 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, Treasurer
Craig Bauman, Manager of Operations
Blair Arthur, Fire Chief
Joe Drcar, Deputy Fire Chief
Kip Miller, Ministry of Natural Resources along with two other representatives
Approximately 12 persons in audience

1. CALL TO ORDER

Resolution: 1509/10
Moved By: Donna Blunt Seconded By: Alana Bishop
THAT this meeting of Council is hereby called to order.
CARRIED

2. DISCLOSURE OF PECUNIARY INTEREST

3. APPROVAL OF AGENDA

Resolution: 1510/10
Moved By: Alana Bishop Seconded By: Ron Giardetti
THAT the agenda be accepted as presented with the following additions: Item 6 After MNR presentation – CLOSED SESSION to discuss legal matters Item 11 c) A by-law to provide for the payment of interim taxes Item 11d) A by-law to lift a 1' reserve – Plan M218
CARRIED

Public Meeting to receive input on a proposed zoning by-law amendment to rezone property located in Mining Location 18Z Savigny's Survey from Aggregate Extraction to Aggregate Extraction Processing.

The Reeve informed those present that the meeting was being held by Council under Section 34 of the Planning Act to consider a proposed Zoning 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. This means that Council members cannot enter into discussion and/or debate as long as the formal public hearing is in session. It is expected 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 read out the purpose and effect of the proposed zoning by-law amendment being to amend the zoning by-law to rezone property located in Mining Location 18Z, Savigny's Survey from the Aggregate Extraction Zone to the Aggregate Extraction Processing Zone. The effect of this proposed amendment would be to allow the owner, Hacquoil Construction to crush excavated material on site. The proposed by-law would apply only to Mining Location 18Z, Savigny's Survey, outlined in the map below and does not affect any other property. She confirmed that the notice of the public meeting was sent, in accordance with the Planning Act regulations.

The Clerk then read out the comments received to date:

- Mr. Hacquoil had forwarded correspondence stating they will not include an asphalt plant on the property as stated in the said notice.
- Lakehead Region Conservation Authority has submitted comments and has no objection the proposed amendment.

The Reeve informed those present that any person could express his or her views on the proposed amendments being heard this evening, and that a record will be kept of all comments. She requested that when addressing the Chair, to state their name and the location of their property, noting that written comments may be submitted to the Clerk.

The Reeve then asked three times if anyone wished to speak in favour of this proposed amendment, there being no response she then asked if anyone wished to speak against the proposed amendment.

Jo-Anne Hamelin resident of Shuniah stated that she objects to this application. She has concerns with the zoning and with the information that was sent out. The notice talked about a crushing plant and an asphalt plant and she felt the definition is wrong. She has concerns with blasting and with noise pollution. She informed Council that she has many documents on this matter and then referred to same.

In August 2008 there was an application addressed to Mr. Collingwood for Bruno's pit and she felt Shuniah did not deal with it. No one from the community attended the Ontario Municipal Board (OMB) hearing, she had to go herself and read out her presentation. She was also disappointed that there was no representation from Shuniah on this matter. Now here is another one from Bruno's road. On July 14th 2009 Mr. Hacquoil applied to licence a new pit through the Ministry of Natural Resources (MNR), to which she did a presentation in August 2009.

Mrs. Hamelin then read out the presentation along with an MNR notice, which she brought forward to Council to have researched and she had informed Council that the site notes outlined the full intent of the operation for this site. The site notes indicated a permanent asphalt plant. She asked, who would monitor it; what of spills, and leaching concerns. She is very serious on this matter and believes that it would cause a long time concern for the community. She needs Council and Administration to keep up to date on the Hacquoil Construction licence.

Mrs. Hamelin stated that letters to Mr. Collingwood were given to Mr. Baumann who responded the property was not properly zoned; then Mr. Hacquoil sent in an application to rezone. She was told by staff that the notice was only mailed to the surrounding properties so she then discussed it at Council, who then published the notice the paper. The original notice states the application is to allow crushing of excavated material and a portable asphalt plant. She believed this notice is too general and feels others will come forward to apply. The Clerk phoned Mr. Hacquoil, who then wrote to retract the request for a portable asphalt plant. She felt that if this document went to the Ministry, the definition is incorrect and should it be redone, as her concern is that the assumption would be that an asphalt plant is allowed in the Aggregate Extraction Processing Zone.

Mrs. Hamelin pointed out that Mr. Hovi's (of MNR) comment that the Province supersedes Municipal laws was incorrect. She believes the notice is a legal document and then read the section in the zoning by-law under Temporary Uses, which she felt which was not clearly stated in the notice. She then referred to Wayside Pits and

noted that portable asphalt plants are permitted when used by a public road authority. She believes that the Municipality should be given at least one-month notice if an asphalt plant required and that putting it into a by-law description is very misleading. She stated that the zoning by-law must conform to the Official Plan; and that though staff may interpret; the final decision rests with Council. Municipal staff may not vary the by-law but implement it as worded and that in the event of a conflict; the restrictive by-law shall prevail. She was very concerned about new applications and believes Shuniah needs to update its by-laws. She spoke to accessory uses and reviewed some of the permitted uses in the zones; she also spoke to the Noise By-law. She noted that 24 new pit licences were issued in Shuniah and is concerned there will be asphalt plants all over as the Municipality's rules are not clear.

Mrs. Hamelin requested Council to rescind the notice, review all the documents, review the Official Plan and Zoning and if there is any contradictions between any of the documents to go with the more severe. She undertook to bring in a copy of her presentation for the files.

Nadine Schelle, resident of Shuniah, stated that before she says yes or no to this application that she has a lot of questions and believed this is why most of the neighbours were present. The Quarry was opened in 1969, is there just hauling or will blasting be involved. In 1969 the Landfill was not there, she spoke to all the efforts that have gone in to prevent leaching; including Municipality monitoring the area to keep the wells safe for the residents. She stated that Mr. Hacquoil wants to crush and blast and she felt there is no assurance that this activity will not have an affect the landfill. She felt that if he blasts it will disturb the base. There is talk of crushing equipment and possibly an asphalt plant. If he runs his operation 24 hours; it will affect her quality of life, and the smell would be awful. Her main concern is the blasting, and she felt this type of operation would be best suited in the industrials park area.

Ms. Schelle asks; what will Shuniah do if the blasting affects the bedrock and what would Council do if it affects her water? She believes Shuniah has cut back on the number of tests as things are calming down and she is concerned should it start up again.

Wendy Savoy, resident of Shuniah stated she was not prepared to attend the meeting, until her fellow neighbours told this was happening, and feels lots of people would want to have input on rezoning. Her daughter is only 11 and is concerned that for the smell and for affect it would have on the environment.

Mrs. Savoy stated she likes the peace and tranquilly and does not want to live in a municipality that is industrial. If the municipality goes industrial she would consider relocating.

The Reeve inquired two more times if anyone else wished to speak against the by-law; there being 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 the previous Meeting of Council held January 11, 2010

Resolution: 1511/10
Moved By: Alana Bishop Seconded By: Donna Blunt
THAT the Minutes of the previous meeting of Council held January 11, 2010 be adopted as circulated and filed in the Clerk's Office. CARRIED

b) Minutes of the Special Meeting of Council held January 13, 2010

Resolution: 1512/10

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the minutes of the Special Meeting of Council held January 13, 2010 be adopted as circulated and filed in the Clerk's Office.

CARRIED

c) Matters Arising from Previous Minutes

6. PETITIONS AND DELEGATIONS

Ministry of Natural Resources – Municipal Forest Fire Management Agreement

Kip Miller from the Ministry of Natural Recourses was present to answer questions of Council. The Fire Chief spoke to the intent of the agreement and reviewed the fire management map outlining the Crown Protection Area and the Municipal Protection Area.

At the hour of 6 pm Councillor Bishop moved to go back into Committee of the Whole. Council agreed.

Council reconvened at 6:40 pm.

CLOSED SESSION - To discuss legal matters

Resolution: 1513/10

Moved By: Donna Blunt
Seconded By: Ab Covello

THAT in accordance with Section 239(2) of the Municipal Act, we adjourn at the hour of 6:40 pm to meet in closed session to discuss legal matters.

CARRIED

Resolution: 1514/10

Moved By: Ab Covello
Seconded By: Donna Blunt

THAT at the hour of 7:20 pm we resume meeting in open session.

CARRIED

7. REPORTS & MINUTES FROM OTHER BOARDS & COMMITTEES

a) Minutes of the Committee of the Whole of Council meeting held January 11, 2010

Resolution: 1515/10

Moved By: Donna Blunt
Seconded By: Alana Bishop

THAT the Minutes of the Committee of the Whole of Council meeting held January 11, 2010 be adopted as circulated and filed in the Clerk's office.

CARRIED

Councillor Blunt noted that she had informed the Clerk of an error in the Committee minutes and that the Clerk has updated same.

- b) LRCA Source Protection Committee minutes of the meeting held December 2, 2009

Resolution: 1516/10

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the Lakehead Region Conservation Authority Source Protection Committee minutes of the meeting held December 2, 2009 be received as circulation and same be filed in the Clerk's Office.

CARRIED

- c) Police Services Board minutes of the meeting held November 16, 2009

Resolution: 1517/10

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the Police Services Board minutes of the meeting held November 16, 2009 be received as circulated and filed in the Clerk's Office.

CARRIED

- d) OPP Monthly Report for November and December 2009

Resolution: 1518/10

Moved By: Donna Blunt
Seconded By: Alana Bishop

THAT the OPP Monthly Report for November and December 2009 be received as circulated and filed in the Clerk's Office.

CARRIED

- e) OPP list of False Alarms Calls for Municipality of Shuniah

Resolution: 1519/10

Moved By: Donna Blunt
Seconded By: Alana Bishop

THAT the OPP list of False Alarms Calls for Municipality of Shuniah be received as circulated and filed in the Clerk's office.

CARRIED

- f) List of items from Northwestern Ontario Municipal Association (NOMA)

Resolution: 1520/10

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the List of items from Northwestern Ontario Municipal Association (NOMA) to be discussed at the Ontario Good Roads Conference February 2010 and notice of pre-budget consultations by the Standing Committee of Finance and request for delegations or submissions be received as circulated and same be filed in the Clerk's Office.

CARRIED

- g) Thunder Bay District Municipal League notice of the Annual Meeting and Conference in Schreiber March 5 & 6 2010

Resolution: 1521/10

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the following persons are hereby authorized to attend the Thunder Bay District Municipal League Annual Meeting and Conference in Schreiber March 5 & 6 and that their expenses be paid according to policy:

Councillor Blunt, Covello, Reeve Harding, Eric Collingwood.

CARRIED

- h) NOMA Annual General Meeting April 21-24, 2010 in Marathon

Resolution: 1522/10

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the following persons are hereby authorized to attend the Northwestern Ontario Municipal Association Annual General Meeting April 21-24, 2010 in Marathon, and that their expenses be paid according to policy.

THIS RESOLUTION WAS TABLED TO MARCH 2010

- i) Minutes of the Thunder Bay District Health Unit Board of Health meeting held December 8, 2009

Resolution: 1523/10

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the Thunder Bay District Health Unit minutes of its meeting held December 8, 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
- d) Fire Department
 - i. Resolution to appoint new members to the Volunteer Fire Department

Resolution: 1524/10

Moved By: Ab Covello
Seconded By: Alana Bishop

THAT Dan Kuppinen and Frank Zanni are hereby appointed as members of the Shuniah Fire Department.

CARRIED

- ii. Resolution to approve purchase of a Fire Department truck chassis.

Resolution: 1525/10

Moved By: Ron Giardetti
Seconded By: Alana Bishop

THAT Council approves the Fire Chief's request for single source pre-capital purchase of a 2010 International 7400, 2 door 4X2 40000 GVW with a 2009 Complaint Engine, Max Force 9, 330 HP in the amount of \$80,798.00 plus applicable taxes.

CARRIED

- e) Administration
 - i. Resolution to submit comments on the Growth Plan for Northern Ontario to Ministry of Northern Affairs and Development and Mines and Forestry

Resolution: 1526/10

Moved By: Ab Covello
Seconded By: Alana Bishop

WHEREAS; the Proposed Growth Plan for Northern Ontario establishes a strategic framework and sets out policies and actions for how the Ontario Government will engage support and work with northern communities over the next twenty-five years;

AND WHEREAS; the purpose of the plan is to position the northern economy to meet the challenges of the twenty-first century, communities will play a key role in implementing the Growth Plan for Northern Ontario by achieving a healthy and prosperous future for the North;

NOW THEREFORE BE IT RESOLVED; THAT the Municipality of Shuniah does hereby submit the following comments on the Growth Plan for Northern Ontario to the Ministry of Northern Affairs and Development and Mines and Forestry;

- 1) The plan appears to reflect a Survival Strategy rather than a plan for Growth.
- 2) There appears to be insufficient Capital Financing allocated to assist the partners to implement the action plans.
- 3) Though the growth plan covers a vast area of land estimated at 800,000 square kilometres with 144 organized municipalities there does not appear to be a priority listing for the implementation of the action plans.

CARRIED

f) Finance Department

- i. Resolution to support the International Baseball Association hosting the 2010 International World Junior Baseball Tournament

Resolution: 1527/10

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the Municipality of Shuniah supports the Thunder Bay International Baseball Association in hosting the 2010 International Baseball Federation (IBAF) World Junior Baseball Championships being held in Thunder Bay during the summer of 2010 by purchasing the RBI Sponsorship Package in the amount of \$1,000.

CARRIED

9. REPORTS OF REEVE AND MEMBERS OF COUNCIL

Councillor Blunt updated Council on the Lakehead Region Conservation Authority (LRCA) tenders submitted for the construction of the proposed office building.

Councillor Blunt attend the threats LRCA Source Water and brought forward copies of the presentation.

Councillor Covello spoke to the Council's January 13, 2010 meeting with the Ministry of Transportation presentation, and wondered if they will listen. The Reeve stated that the Ministry will come back for another meeting and the the public would be invited.

10. CORRESPONDENCE

a) General

- i. Canadian National Railway letter re: measures being taken to enforce no trespassing along the Kinghorn right of way in Shuniah.
- ii. Response letter from Premier Dalton McGuinty re: Harmonized Sales Tax

Resolution: 1528/10

Moved By: Donna Blunt
Seconded By: Alana Bishop

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

- i. Canadian National Railway letter re: measures being taken to enforce no trespassing along the Kinghorn right of way in Shuniah.
- ii. Response letter from Premier Dalton McGuinty re: Harmonized Sales Tax

CARRIED

b) Referred

11. BY-LAWS

- a. A by-law to authorize an Employment Agreement

Resolution: 1529/10

Moved By: Ab Covello
Seconded By: Alana Bishop

BE IT RESOLVED THAT a by-law to authorize an Employment Agreement with the CAO, as amended, be received and deemed to have been read a third time and numbered 2441-10;

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

CARRIED

- b. A by-law to amend By-law No. 2038-00 to rezone a portion of Mining Location 18 Savigny's survey from Aggregate Extraction to Aggregate Extraction-Processing

Resolution: 1530/10

Moved By: Ron Giardetti
Seconded By: Alana Bishop

THAT A by-law to amend By-law No. 2038-00 to rezone a portion of Mining Location 18Z Savigny's survey, from Aggregate Extraction to Aggregate Extraction-Processing be read a First and Second time this Twenty-fifth Day of January 2010;

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

CARRIED

The Clerk was directed to request the applicant, Mr. Hacquoil, to attend Council's next Committee of the Whole meeting to allow him to respond to the concerns brought forward in the Public Meeting portion held earlier in the meeting.

- c. A by-law to provide for interim tax payments

Resolution: 1531/10

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT A by-law to provide for interim tax payments be read a First and Second time this Twenty-fifth Day of January 2010;

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

CARRIED

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

Resolution: 1532/10

Moved By: Donna Blunt
Seconded By: Alana Bishop

BE IT RESOLVED THAT a by-law to provide for interim tax payments be read a third time and numbered 2442-10;

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

CARRIED

- d. A by-law to Open Reserve A Plan M-218 as a highway

Resolution: 1533/10

Moved By: Ron Giardetti
Seconded By: Alana Bishop

THAT a by-law to open Reserve A, Plan M-218 be read a First and Second Time this Twenty-fifth day of January 2010;

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

CARRIED

Resolution: 1534/10

Moved By: Ab Covello
Seconded By: Alana Bishop

THAT a by-law to open Reserve A, Plan M-218 be received and deemed to have been read a third time and numbered 2443-10;

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

CARRIED

Resolution: 1535/10

Moved By: Donna Blunt
Seconded By: Ab Covello

THAT the hour of 8:00 pm having arrived the meeting continue.

CARRIED

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Heart and Stroke Foundation request for support of the "Spark" program

Resolution No: 1536 /10

Moved By: Donna Blunt
Seconded By: Alana Bishop

WHEREAS 28% of Ontario's children are overweight and obese and this rate has tripled in the past 25 years;

AND WHEREAS Physical inactivity and limited access to healthy food has led to this current crisis;

WHEREAS every child has the right to grow up healthy;

AND WHEREAS the Heart and Stroke Foundation of Ontario has launched Spark Together for Healthy Kids to raise public awareness and consensus that childhood obesity is an issue of vital importance that impacts all of us;

AND WHEREAS the Municipal policies can play a part in improving access to healthy foods and physical activity;

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Shuniah unanimously supports the Spark Together for Healthy Kids Program.

CARRIED

Councillor Covello undertook to bring forward information on the Spark program to the next Recreation Committee meeting.

14. CONFIRMATORY BY-LAW
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Resolution: 1537/10

Moved By: Ab Covello
Seconded By: Alana Bishop

THAT a by-law to confirm the proceedings of Council be read a First, Second and Third time on this Twenty-fifth Day of January 2010 and Numbered 2444-10;

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

CARRIED

15. ADJOURNMENT

Resolution: 1538/10
Moved By: Ron Giardetti Seconded By: Donna Blunt
THAT the hour of 8:12 pm having arrived the meeting adjourn.
CARRIED

CONFIRMED AND ADOPTED THIS DAY OF 2010

_____ Reeve

_____ Clerk