MINUTES OF THE EIGHTEENTH REGULAR MEETING OF COUNCIL HELD ON NINTH DAY OF OCTOBER 2007 AT THE MUNICIPAL OFFICE, 420 LESLIE AVENUE, THUNDER BAY, ONTARIO AT THE HOUR OF 5:30 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
Two persons in audience

1) CALL TO ORDER

Resolution No.: 304/07

Moved By: Donna Blunt
Seconded By: Ab Covello

THAT this Meeting of Council is hereby called to order at 5:30 pm.

CARRIED

2) DISCLOSURE OF PECUNIARY INTEREST

The Reeve declared a pecuniary interest under Item 7) F) Finance; monthly expenditures. There was no other disclosure of pecuniary interest by any other member of Council on any other item on the agenda.

3) APPROVAL OF AGENDA

Resolution No.: 305/07

Moved By: Ab Covello
Seconded By: Donna Blunt

THAT the agenda be accepted as presented.

CARRIED

4) CLOSED SESSION

5) MINUTES OF PREVIOUS MEETING

A) Minutes of the 17th Regular Meeting of Council held September 24, 2007

The Reeve asked Council if there were any errors or omissions on the Minutes. Council members brought forth a few items. The Clerk will correct the minutes as discussed.

Resolution No.: 306/07

Moved By: Ron Giardetti
Seconded By: Alana Bishop

THAT the minutes of the Regular Meeting of Council held September 24, 2007 be adopted as circulated correct.

CARRIED

B) Minutes of the Special Meeting of Council held September 18, 2007

Resolution No.: 307/07	
Moved By:	Ab Covello
Seconded By:	Donna Blunt
THAT the minutes of the Special Meeting of Council held September 18, 2007 be adopted as circulated.	
CARRIED	

C) Any Matters arising from the minutes

Councillor Covello inquired if Council had yet received a report regarding OPP response in at O'Connor Point. The Clerk informed Council that the Shuniah Police Services Board would be receiving this information from the OPP at their October meeting.

Councillor Covello inquired as to the costs to the owners at Silver Harbour for the purchase of the shoreline road allowance. The Clerk reviewed the current policy for the purchase prices and other costs that would be incurred by the applicants.

The Clerk reviewed the access road located on a portion of the shoreline road allowance and informed Council that the solicitors were currently contacting the property owners for permission to register a notice with respect to the rights of the abutting property owners.

Councillor Covello asked about the costs with respect to the conflict of interest re Harding/Fraser.

At this time, due to her conflict as declared earlier in the meeting with respect to this matter, the Reeve turned the Chair over to Councillor Bishop.

The CAO reviewed the status of the court case and the costs of the proceedings. There was a lengthy discussion on the monies still to be paid and as to whether or not the insurance will reimburse any of the costs. The CAO informed Council that this matter is still to be reviewed. There was a discussion on Council being notified of any proceedings that may be scheduled.

There being no further discussion on this matter; Councillor Bishop then turned the Chair back to Reeve Harding.

6) PETITIONS AND DELEGATIONS

7) REPORTS AND COMMITTEES

A) By-law Enforcement

B) Building and Planning
   i) By-law and OPA Forestry Use

It was noted that Council had discussed the proposed Zoning Amendment at previous meetings.

The CAO explained the history of developing the policy statements and that now that the zoning by-law is streamlined therefore an Official Plan Amendment is no longer needed. After further discussion the following resolutions were passed.

Resolution No.: 308/07

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT with respect to the to the proposed zoning amendment to amend By-law Number 2038-00 as it applies to Forestry Use in the Municipality of Shuniah;

THAT the Municipality of Shuniah, in accordance to Section 34(17), of the Planning Act, hereby states that no further notice shall be required prior to enacting the proposed zoning by-law as it applies to Section 34(12) of the Planning Act.

CARRIED

Resolution No.: 309/07

Moved By: Alana Bishop
Seconded By: Ab Covello

THAT with respect to the proposed Official Plan Amendment Number Seven for Forestry Use and further to a report submitted by Manahan Planning September 13, 2007;

THAT the Municipality of Shuniah hereby states that, as the Proposed Zoning By-law Amendment had been redrafted it no longer has a direct conflict with the current Official Plan therefore Official Plan Amendment Number Seven is no longer required and is hereby withdrawn.

CARRIED

i) Zoning Amendment no further notice required – Remote Cottage Zone

The Clerk informed Council that the Ministry of Transportation had forwarded correspondence that it is satisfied with the entrance to Cathy Litwintenko's property. After discussion the following resolution was passed.

Resolution No.: 310/07

Moved By: Donna Blunt
Seconded By: Alana Bishop

THAT with respect to the proposed zoning amendment under Application No. Z1/07 applied for by Cathy Litwenko to amend By-law Number 2038-00 as it applies to the lands and premises being a portion of the west half of Concession 3 Section 15, located off Gibson Road, Township of MacGregor in the Municipality of Shuniah;

THAT the Municipality of Shuniah, in accordance to Section 34(17), of the Planning Act, hereby states that no further notice shall be required prior to enacting the proposed zoning by-law as it applies to Section 34(12) of the Planning Act.

CARRIED

ii) Recreational Trailer by-law request to repeal

The CAO reviewed for Council the request to repeal the trailer by-law and the direct conflict of it with the zoning regulations in By-law No. 2038-00, the zoning by-law.

There was a discussion on the possibility of amending By-law No. 2038-00 to up it from 30 days back to the 75 days. The CAO reviewed some of the areas of concerns.

After a lengthy discussion, Councillor Covello gave notice the he will move or cause to move a motion at Council's next meeting that notice be sent to the property owners.

It was the consensus of Council to repeal the by-law and discuss amending By-law No. 2038-00 to up the amount from the current 30 day limit. There was a general discussion on the sewage disposal.

There was a lengthy discussion the public's knowledge of the rules and on the enforcement of same.

iii) Sale of Shoreline road Allowance Plan 720

The Reeve noted that this matter was discussed at the Committee of the Whole meeting.

Resolution No.: 311/07

Moved By: Alana Bishop
Seconded By: Donna Blunt

BE IT RESOLVED THAT the following portions of road allowance, which were closed by By-law No. 2267-07, be declared surplus to the needs of the Municipality:

Part of Road Allowance in front of Lots 41, 42, and Lots 44 through to and including Lot 50 & West half of 51 in Registered Plan 720, being Parts 1 through to and including 12, Parts 14, 15, 16, 18, 19, 21, 22 and 24 on Plan 55R-12567 Shuniah;

and

Part of Road Allowance in front of the East half of Lot 51, Lots 52 through to and including Lot 57 Plan 720 and a portion of Mining Location 12Z Savigney's Survey, being Parts 1 through 5 on Reference Plan 55R-12601, Shuniah.

CARRIED

iv) Notice of Committee of Adjustment Hearing

The Reeve noted that Council members are welcome to attend the Committee of Adjustment hearings.

v) Final Modification from Ministry of Municipal Affairs and Housing OPA#2

The CAO explained that the document received from the Ministry pretty well reflects the items dealt with at the meetings with the general public for freehold and associations lands and noted that no objections or concerns have been received. He explained the next steps in the process.

There was a discussion on some of the concerns of an association member with respect to forced compliance. The CAO noted that each Association has its own set of by-laws that they need to adhere to first. He explained that enforcement issues are in the policies today and the new OPA is not changing that. He answered many questions of Council with respect to various aspects and possible scenarios.

Resolution No.: 312/07

Moved By: Ron Giardetti
Seconded By: Ab Covello

THAT the Council of the Corporation of the Municipality of Shuniah supports the Ministry of Municipal Affairs and Housing's list of modifications, with respect to Official Plan Amendment No. Two, and as detailed in attachment "A" of its letter to the Municipality of Shuniah dated October 2, 2007

CARRIED

C) Public Works

D) Fire Department

E) Administration
   i) Request for Christmas closure of Municipal Offices

Resolution No.: 313/07

Moved By: Ron Giardetti
Seconded By: Donna Blunt

THAT Council approves the closure of the Municipal Office, Public Works Shop, and Fire Department Administration commencing Monday December 24, 2007 through to and including the Tuesday of the following week being January 1, 2008;

AND THAT regular business will recommence on January 2, 2008;

AND FURTHER THAT the Public Works Staff and Fire Personnel are available throughout this time line as required.

CARRIED

F) Finance Department
   i) Monthly expenditures for September 2007

As per her disclosure of pecuniary interest stated earlier in the meeting, the Reeve turned the Chair over to Councillor Bishop and did not take part in discussion of the expenditures.

The CAO answered questions of Council on various expenditures.

Resolution No.: 314/07

Moved By: Donna Blunt
Seconded By: Ron Giardetti

THAT the Council of the Municipality of Shuniah hereby authorizes the payment of the accounts for the month of September 2007 in the amount of $625,492.85

CARRIED

Resolution No.: 315/07

Moved By: Donna Blunt
Seconded By: Ron Giardetti

THAT the Council of the Municipality of Shuniah hereby authorizes payment of the accounts for the month of September 2007 in the amount of $1,166.90. Conflict of Interest Account.

CARRIED

At this time Councillor Bishop turned the Chair back to Reeve Harding.

ii) Sale of Lots 21 & 22 Plan - 218

The property owners abutting Lot 21 of Plan M-218 were requesting to purchase this lot. After discussion the following resolution was passed.

Resolution No.: 316/07

Moved By: Ron Giardetti
Seconded By: Donna Blunt

WHEREAS Council passed Resolution No. 172/07 on May 11, 2007 directing the Chief Administrative Officer to begin the process of putting each of Lots 21 & 22 of Registered Plan M-218 up for sale through a public tender process;

AND WHEREAS Mr. Ron Lee Kam and Miriam Wall are requesting to purchase Lot 21 noted above, which abuts their property being Lot 20;

AND WHEREAS the applicants, who are abutting property owners, have expressed a sincere interest in purchasing Lot 21 at the appraised market value;

THEREFORE BE IT RESOLVED THAT Council supports this request and amends its Resolution No. 172/07 by deleting the last paragraph and replacing it with the following two paragraphs;

AND FURTHER THAT the Chief Administrative Officer is directed to obtain an appraisal, of which the cost is to be borne by the applicants, and then enter into an agreement of purchase and sale, for Council's Consideration, with the applicants who have requested to purchase Lot 21;

AND FURTHER THAT the Chief Administrative Officer is hereby directed to continue the process of putting Lot 22 up for sale through a public tender process.

CARRIED

iii) Great West Life Benefit Plan

There was a discussion on the employees benefit plan, which reflects a 3.1% reduction.

Resolution No.: 317/07

Moved By: Ab Covello
Seconded By: Donna Blunt

THAT Council approves the renewal of the existing employee benefit plan with Great West Life for the ensuing year at a cost of $4,504.36 a month.

CARRIED

G) Police Service's Board

H) Committee of the Whole

i) Minutes of the Meeting held September 18, 2007

The Clerk will correct the typo as discussed under errors and omissions.

Resolution No.: 318/07

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT the Minutes of the meeting of the Committee of the Whole of Council held September 18, 2007 be adopted as circulated.

CARRIED

I) Boards and Committees

J) Reports of Reeve and Council

8) CORRESPONDENCE

A) General

i) WSIB Community Workplace Health & Safety Charter

There was a general discussion on the Workplace Safety and Insurance Board's request for Municipalities to work with health and safety for its employees.

ii) Michael Gravelle letter to Minister Donna Cansfield and Larry Lambert re Municipal identification signs on Hwy 11/17

iii) MTO response to our letter re Municipal identification signs on Hwy 11/17.

The CAO updated Council on the request to the Ministry for population signs and explained that he is currently awaiting confirmation.

B) Referred

i) Request to purchase road allowance Bass Lake

Councillor Bishop spoke to Mr. Hall's request to purchase the municipal road allowance abutting his lands and reviewed the area noting his deed includes ownership of the bed of Bass Lake in front of the property. Council directed this matter be referred to Committee of the Whole. The CAO explained that Mr. Hall's request has not yet gone to the departments for review or comment and noted that the current study of road allowances did not include inland lakes.

9) BY-LAWS

A) A by-law to amend By-law 2038-00 to set regulations for Timber Harvesting

Resolution No.: 319/07

Moved By: Alana Bishop
Seconded By: Ab Covello

BE IT RESOLVED THAT a by-law to amend By-law 2038-00 to set regulations for Timber Harvesting be received and deemed to have been read a third time and numbered 2286-07;

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 rezone SW ¼ of Con 3 Section 15 from Rural to Remote Cottage Zone

Resolution No.: 320/07

Moved By: Alana Bishop
Seconded By: Donna Blunt

THAT a by-law to amend By-law 2038-00 to rezone SW ¼ of Con 3 Section 15 from Rural to Remote Cottage Zone be received and deemed to have been read a First and Second time this Ninth Day of October 2007 and that same be referred to the Committee of the Whole.

CARRIED

Councillor Blunt request Council to complete the Third and Final reading of the by-law due to the nature and timelines.

Resolution No.: 321/07

Moved By: Ron Giardetti
Seconded By: Donna Blunt

BE IT RESOLVED THAT a by-law to amend By-law 2038-00 to rezone SW ¼ of Con 3 Section 15 from Rural to Remote Cottage Zone be received and deemed to have been read a third time and numbered 2287-07;

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

CARRIED

C) A by-law to repeal By-law 1227 a by-law to regulate the use of trailer within the Municipality

Resolution No.: 322/07

Moved By: Ab Covello
Seconded By: Donna Blunt

THAT a by-law to repeal By-law 1227 a by-law to regulate the use of trailers within the Municipality of Shuniah be received and deemed to have been read a First and Second time this Ninth Day of October 2007 and that same be referred to the Committee of the Whole.

CARRIED

Councillor Giardetti requested Council to complete all readings due to the nature of the by-law.

Resolution No.: 323/07

Moved By: Ron Giardetti
Seconded By: Alana Bishop

BE IT RESOLVED THAT a by-law to repeal By-law 1227 a by-law to regulate the use of trailers within the Municipality of Shuniah be received and deemed to have been read a Third time and numbered 2288-07;

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

CARRIED

10) UNFINISHED BUSINESS

Councillor Giardetti spoke to the District Social Services Administration Board costs, which includes cottagers. The CAO used the sample of school board's and that cottager's pay on both properties. There was a general discussion on held on this matter. Councillor Giardetti then gave a notice of a motion that he would bring forward to the next meeting of Council to forward a request to the Minister to investigate the rationale for the weighted assessment method of payment for municipalities.

Councillor Blunt asked about the status of Ventus Energy's project. The CAO explained that Ventus does have contracts for the purchase of the energy and are moving forward; noting that they may have to build a substation. He undertook to get further information on this and invite a representative to attend a future meeting to update Council.

11) NEW BUSINESS

A) Request from Royal Canadian Legion Branch #5 – Remembrance Day Wreath

Resolution No.: 324/07

Moved By: Donna Blunt
Seconded By: Alana Bishop

THAT Council approves the purchase of Item No. 20 being the 20" wreath with poppies, the maple leaf and easel in the amount of $55.00 from the Royal Canadian Legion Port Arthur Branch #5;

AND FURTHER to place the Municipality of Shuniah on the ribbon.

CARRIED

B) Local Government Help Protect Lake Superior

Councillor Bishop informed Council that World Wildlife Federation (WAFT) are establishing a marine and she will bring forward information.

Resolution No.: 325/07

Moved By: Ab Covello
Seconded By: Donna Blunt

THAT the following persons are hereby authorized to attend the Sustainable Communities: Local Governments Help Protect Lake Superior's Making a Great Lake Superior Conference on October 31, 2007 in Duluth MN and that their expenses be paid according to policy:

Reeve Harding Eric Collingwood.

CARRIED

12) OTHER BUSINESS

13) CONFIRMATORY BY-LAW

A) A By-law to Confirm the Proceedings of Council

Resolution No.: 326/07
Moved By: Ron Giardetti **Seconded By:** Alana Bishop
THAT a by-law to confirm the proceedings of Council be read a First, Second and Third time this Ninth day of October 2007 and Numbered 2289-07; AND THAT the said by-law be engrossed in the by-law book. **CARRIED**

14) ADJOURNMENT

Resolution No.: 327/07
Moved By: Donna Blunt **Seconded By:** Ron Giardetti
THAT the hour of 7:40 having arrived the meeting adjourn. **CARRIED**

CONFIRMED AND ADOPTED THIS DAY OF 2007

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Reeve

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Clerk