

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

-MINUTES-

**Regular Council (Committee of the Whole) Meeting
Tuesday, December 15, 2009
6:30 p.m., at the Municipal Office in Dunchurch**

Present: Chris Armstrong, Mayor
Bill Church, Councillor
Alan Ladd, Councillor
Joe Lamb, Councillor
Morley Moore, Councillor

Staff: Liliane Nolan, CAO-Clerk

Visitors: Applicant plus 1 person for item 7.1.1 – Deer River Developments
Limited Proposed Zoning by-Law Amendment

Mayor Chris Armstrong called this meeting to order at 6:30 p.m.

Disclosure of Pecuniary Interest and General Nature Thereof: None noted as presented.

Adoption of the Agenda

2009-563 Moved by Councillor Joe Lamb
Seconded by Councillor Bill Church
That the Council Agenda for this meeting be adopted as printed and
circulated. **Carried**

Adjourn to Public Meeting

2009-564 Moved by Councillor Bill Church
Seconded by Councillor Morley Moore
That Council hereby adjourns the Regular Council Meeting (Committee
of the Whole) into Public Meeting for Zoning By-Law Amendment –
Deer River Developments Limited at 6:31 p.m. **Carried**

Reconvene to Regular Council Meeting (Committee of the Whole)

2009-565 Moved by Councillor Alan Ladd
Seconded by Councillor Morley Moore
That Council reconvenes to Regular Council Meeting at 6:41 p.m. **Carried**

Move into Committee of the Whole

2009-566 Moved by Councillor Morley Moore
Seconded by Councillor Joe Lamb
That Council hereby moves into Committee of the Whole at 6:41 p.m. **Carried**

Reconvene to Regular Council Meeting

2009-567 Moved by Councillor Alan Ladd
Seconded by Councillor Bill Church
That Committee be adjourned to Regular Council at 7:45 p.m. **Carried**

Deer River Developments Limited – Changes to Text and Maps of the Proposed Zoning By-Law Amendment

2009-568 Moved by Councillor Joe Lamb
Seconded by Councillor Alan Ladd

WHEREAS the Municipality of Whitestone has sent notice of a public meeting concerning a proposed zoning, By-law Amendment to By-law No. 10-2005;

AND WHEREAS changes have been made to the text and maps of the proposed zoning by-law amendment that was advertised in the original notice;

AND WHEREAS the proposed text and map changes do not change the basic purpose and effect of the proposed zoning by-law;

AND WHEREAS the Council deems it not necessary to re-circulate the proposed zoning by-law;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Whitestone hereby determines in accordance with section 34(17) of the Planning Act that no further notice be given in respect of the proposed Zoning By-law. **Carried**

Draft Resolution – Assuming Roads for Municipal Maintenance Purposes

2009-569 Moved by Councillor Joe Lamb
Seconded by Councillor Morley Moore
WHEREAS the Municipality of Whitestone is aware of a number of unassumed roads within its jurisdiction that are public highways as defined by the Municipal Act;

AND WHEREAS these roads are presently used by a large number of ratepayers;

AND WHEREAS these roads do not meet current municipal road standards so that they are not assumed for municipal road maintenance purposes;

AND WHEREAS it is the policy of the Municipality to, over the long term, to provide a uniform and equitable standard of road services to all ratepayers;

AND WHEREAS the Council of the Corporation of the Municipality of Whitestone believes that it is appropriate and responsible to establish a process where unassumed roads may be incorporated into the Municipality's road maintenance system;

NOW THEREFORE BE IT RESOLVED that the Corporation of the Municipality of Whitestone adopt the following procedures for extending services to unassumed roads:

STEP 1 – ROAD STANDARDS

1. Roads that are to be assumed by the Municipality must be brought up to the required standards as set out in the Official Plan.
2. These standards may vary depending upon the individual circumstances relating to a particular road including the length of the road, the nature and the amount of use, the quality of the road base and the associated maintenance program.
3. To consider a standard less than that prescribed in the Official Plan, any proponents interested in pursuing the assumption of an existing road must provide a report by a qualified engineer to confirm that the standard is appropriate.

STEP 2 – UPGRADING ROAD

4. Once a road standard has been established by any proponents seeking to upgrade a road to be assumed for maintenance purposes, the Municipality may take on the role of facilitator to assist in achieving the road improvements for assumption.
5. At least two thirds of the users of the road must be on record to support the program to upgrade the road.
6. The Municipality will seek funding assistance from senior levels of government to offset the costs of upgrading roads when these funds are available.

7. The Municipality may initiate funding programs for financing road upgrades including cost sharing arrangements under the Local Improvement Act or the Municipal Act.

STEP 3 – ROAD MAINTENANCE

8. In accordance with Section 9.05.2 of the Official Plan, any road that is brought up to the required municipal standard, may be assumed for maintenance purposes.
9. Where upgraded roads are assumed for maintenance purposes road maintenance may be undertaken by Municipal staff or contracted to a qualified business that is determined to be capable of undertaking the maintenance program.

Amendment

Moved by Councillor Joe Lamb

Seconded by Councillor Morley Moore

WHEREAS the Municipality of Whitestone is aware of a number of unassumed roads within its jurisdiction that are public highways as defined by the Municipal Act;

AND WHEREAS these roads are presently used by a large number of ratepayers;

AND WHEREAS these roads do not meet current municipal road standards so that they are not assumed for municipal road maintenance purposes;

AND WHEREAS it is the policy of the Municipality to, over the long term, to provide a uniform and equitable standard of road services to all ratepayers;

AND WHEREAS the Council of the Corporation of the Municipality of Whitestone believes that it is appropriate and responsible to establish a process where unassumed roads may be incorporated into the Municipality's road maintenance system;

NOW THEREFORE BE IT RESOLVED that the Corporation of the Municipality of Whitestone adopt the following procedures for extending services to unassumed roads:

STEP 1 – ROAD STANDARDS

1. Roads that are to be assumed by the Municipality must be brought up to the required standards as set out in the Official Plan, except as provided by No. 3 below.
2. These standards may vary depending upon the individual circumstances relating to a particular road including the length of the road, the nature and the amount of use, the quality of the road base and the associated maintenance program.
3. To consider a standard less than that prescribed in the Official Plan, any proponents interested in pursuing the assumption of an existing road must provide a report by a qualified engineer to confirm that the standard is appropriate, which is a standard (at expense of proponents) approved by Council.

STEP 2 – UPGRADING ROAD

4. Once a road standard has been established by any proponents seeking to upgrade a road to be assumed for maintenance purposes, the Municipality may take on the role of facilitator to assist in achieving the road improvements for assumption.
5. At least two thirds of the ratepayers of the road must be on record to support the program to upgrade the road.
6. The Municipality will seek funding assistance from senior levels of government to offset the costs of upgrading roads when these funds are available.
7. The Municipality may initiate funding programs for financing road upgrades including cost sharing arrangements under the Local Improvement Act or the Municipal Act.

STEP 3 – ROAD MAINTENANCE

8. In accordance with Section 9.05.2 of the Official Plan, any road that is brought up to the required municipal standard or a road as approved by Council, may be assumed for maintenance purposes.
9. Where upgraded roads are assumed for maintenance purposes road maintenance may be undertaken by Municipal staff or contracted to a qualified business that is determined to be capable of undertaking the maintenance program.

Amendment:
Resolution:

Deferred
Deferred

Dock Agreement – McGarry

2009-570 Moved by Councillor Alan Ladd
Seconded by Councillor Morley Moore

WHEREAS Carol and Michael McGarry own a property at 389 Chur-Lee Road;

AND WHEREAS the previous owners of this property were authorized to place a dock along the causeway on Chur-Lee Road to access Whitestone Lake;

AND WHEREAS the McGarrys' have requested that they be granted permission to continue to access Whitestone Lake at this location with modifications to the previous agreement to allow handicap access to the Lake;

AND WHEREAS there has been some concerns expressed by neighbours over the use of this location as an access to the Lake;

NOW THEREFORE BE IT RESOLVED by the Council of the Corporation of the Municipality of Whitestone that:

That Council will receive the request by Mr. and Mrs. McGarry to locate a dock structure along Chur-Lee Road as requested;

And that staff be directed to investigate the proposal including the details of the proposed structure; its specific location along Chur-Lee Road; its impacts on the natural environment; the adequacy of the proposed agreement to ensure that there are no liability issues for the Municipality and notify effected neighbouring properties and that such findings be reported back to Council at the first opportunity in the spring of 2010.

Carried

Adoption of Minutes for the Regular Council Meeting

2009-571 Moved by Councillor Morley Moore
Seconded by Councillor Joe Lamb
That the minutes of the Regular Council meeting of December 7, 2009 be adopted as presented and circulated. **Carried**

- Staff Report dated December 8, 2009 from Floyd Thomson, Facilities Manager regarding Landfill Policies – noted.

Acceptance of Minutes for Whitestone Public Library Board Meeting

2009-572 Moved by Councillor Morley Moore
Seconded by Councillor Bill Church
That the minutes of the Whitestone Public Library Board meeting of November 24, 2009 be accepted as presented and circulated. **Carried**

- Staff Report dated November 25, 2009 from Liliane Nolan, CAO-Clerk regarding Open Meeting Provisions – Committee.

Approval of Accounts Payable

2009-573 Moved by Councillor Joe Lamb
Seconded by Councillor Morley Moore
That the Accounts Payable in the amount of \$336,192.42 be approved. (Full report for viewing can be seen at the municipal office) **Carried**

Support City of St. Catharines – GST Exemption on purchase of red label poppies

2009-574 Moved by Councillor Bill Church
Seconded by Councillor Joe Lamb
That Council of the Municipality of Whitestone hereby supports the Private Members Bill put forth by the City of St. Catharines supporting veterans, their families and the Royal Canadian Legion by removing the 5 per cent GST charged on poppies;

And Further that this resolution be forwarded to M.P. Tony Clement, M.P.P. Norm Miller, the Association of Municipalities of Ontario (AMO) and the City of St. Catharines. **Carried**

Resignation of Landfill Attendant

2009-575 Moved by Councillor Alan Ladd
Seconded by Councillor Joe Lamb
That Council hereby accepts the resignation of Bud Bryant, Landfill Attendant with regrets. **Carried**

Correspondence – Noted and Filed

- Resolution dated November 24, 2009 from the County of Grey regarding concerns over Bill 150 being the Green Energy and Green Economy Act requesting Council's support in addressing concerns on the health effects potentially created by the presence of industrial wind turbines.

By-Law No. 68-2009, Use of an Alternative Voting Method

2009-576 Moved by Councillor Joe Lamb
Seconded by Councillor Morley Moore

That By-Law 68-2009, being a By-Law to provide for the use of an alternative voting method be Read a First and Second time this 15th day of December, 2009;

And Further Read a Third time, Passed, properly Signed and Sealed this 15th day of December, 2009 and numbered No. 68-2009. **Carried**

By-Law No. 69-2009, Amend Zoning By-law (Deer River Developments)

2009-577 Moved by Councillor Joe Lamb
Seconded by Councillor Bill Church
That By-Law 69-2009, being a By-Law to amend By-Law No. 10-2005 (the Zoning By-Law) for Part of Lot 5, Concession 3, geographic township of McKenzie (Deer River Developments) be Read a First and Second time this 15th day of December, 2009;

And Further Read a Third time, Passed, properly Signed and Sealed this 15th day of December, 2009 and numbered No. 69-2009. **Carried**

By-Law No. 74-2009, Emergency Management Program

2009-578 Moved by Councillor Bill Church
Seconded by Councillor Alan Ladd
That By-Law 74-2009, being a By-Law requiring an emergency management program for the protection of public safety, health, the environment, the critical infrastructure and property, and to promote economic stability and a disaster-resilient community be Read a First and Second time this 15th day of December, 2009;

And Further Read a Third time, Passed, properly Signed and Sealed this 15th day of December, 2009 and numbered No. 74-2009. **Carried**

Unfinished Business

- Bridge at Hwy. 124 – Site Inspection completed, two rocks to be removed under guidance of Fisheries & Oceans between July 16 to September 30, 2010.
- Review of Road Standards By-Law – speed limits, cautionary signs, etc.
- Draft resolution for unassumed roads - review January 12, 2010, final adoption by Council January 18, 2010.
- Zebra Mussels – boat wash stations.
- Replacement to two speed limit signs on Whitestone Lake – signs ordered.
- Fish Monitoring Equipment – President of the Whitestone Rod & Gun Club to respond.
- Notification of Marijuana Grow Operation Protocol Agreement – O.P.P. reviewing agreement.

In Camera

2009-579

Moved by Councillor Bill Church

Seconded by Councillor Ladd

That Council proceeds with the meeting in Closed Session at 8:46 p.m. to discuss the following:

- 1) Personal matters about an identifiable individual, including municipal or local board employees – Facilities Department.
- 2) Personal matters about an identifiable individual, including municipal or local board employees – Roads Department.
- 3) Personal matters about an identifiable individual, including municipal or local board employees – Roads Department.
- 4) Personal matters about an identifiable individual, including municipal or local board employees – Administration – Performance Appraisal Review.
- 5) Personal matters about an identifiable individual, including municipal or local board employees – Administration (Closed Session Minutes – November 15, 2009).
- 6) Personal matters about an identifiable individual, including municipal or local board employees – Administration (Closed Session Minutes – December 7, 2009). **Carried**

Open Session

2009-580

Moved by Councillor Alan Ladd

Seconded by Councillor Morley Moore

That Council moves out of Closed Session at 9:07 p.m. and continue the Open Regular Council meeting. **Carried**

Offer of Employment of Working Road Superintendent

2009-581

Moved by Councillor Joe Lamb

Seconded by Councillor Alan Ladd

That Council of the Municipality of Whitestone hereby appoints Dougald Pawlech as Working Road Superintendent; effective upon acceptance of employment and mutual accepted start date. **Carried**

CAO-Clerk Performance Review Appraisal

2009-582

Moved by Councillor Alan Ladd

Seconded by Councillor Bill Church

That Council hereby accepts the performance review appraisal report for CAO-Clerk Liliane Nolan prepared by Council;

And Further that all changes or no changes to the current employment agreement and/or pay rate are as per schedule “A” attached;

And Further that the next performance review appraisal be completed by November 2010 or at the discretion of Council. **Carried**

By-Law No. 75-2009, Confirming By-Law

2009-583 Moved by Councillor Morley Moore
Seconded by Councillor Alan Ladd
That By-Law No. 75-2009, being a by-law to confirm the proceedings of the Regular Council (Committee of the Whole) meeting held on December 15, 2009, be Read a First and Second time this 8th day of September, 2009;

And Further Read a Third time, Passed, properly Signed and Sealed this 15th day of December, 2009 and numbered No. 75-2009. **Carried**

Adjournment

2009-584 Moved by Councillor Joe Lamb
Seconded by Councillor Bill Church
That this Council meeting be adjourned at 9:13 p.m. to meet again on Tuesday, January 12, 2010 at 6:30 p.m. at the Community Centre in Dunchurch or at the call of the Mayor. **Carried**

Chris Armstrong **Mayor**

Liliane Nolan **CAO-Clerk**