

**THE CORPORATION OF THE TOWNSHIP OF ESSA
REGULAR COUNCIL MEETING
WEDNESDAY, 19 DECEMBER 2007**

A Regular Council meeting was held following Committee of the Whole on Wednesday, 19 December 2007 in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor David Guergis
Deputy Mayor Terry Dowdall
Councillor Sandie Macdonald
Councillor Rick Newlove
Councillor Ron Henderson

Staff in attendance: Greg Murphy, CAO/Manager of Public Works
Carol Trainor, Clerk/Deputy-Treasurer
Paul Macdonald, Fire Chief
Jim Hosick, Acting Manager of Planning and Development
Julie Barrett, Treasurer

1. OPENING OF MEETING BY THE MAYOR

Mayor Guergis opened the Regular Council meeting at 6:50 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Newlove declared a Conflict with the minutes of the previous meeting.

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

Resolution No: C408-2007 Moved by: Dowdall, Seconded by: Macdonald

Be it resolved that the motions duly passed and approved at the Committee of the Whole meeting of this date be approved; and

That the minutes of Committee of the Whole and Regular Council meetings held on the Fifth day of December, 2007 be adopted as circulated.

Carried

4. PRESENTING, REFERRING OR PASSING OF ACCOUNTS

Resolution No: C409-2007 Moved by: Henderson, Seconded by: Macdonald

Be it resolved that Payment Voucher #12B dated November 29 to December 12, 2007 in the amount of \$3,188,898.82 be approved.

Carried

5. CORRESPONDENCE – Information Items (Available in the Clerk’s office)**

- a. **Notice from the County of Simcoe**
Re: Official Plan Amendment No. 6
- b. **Letter from Simcoe County**
Re: Simcoe County Trails Program
- c. **Newsletter from The Ministry of Public Infrastructure Renewal**
Re: PIR Net News
- d. **Media Release from the Ministry of the Environment**
Re: Financial assistance for rural source protection efforts
Government helps communities protect their drinking water sources
Funding for early action and education and outreach
- e. **Statistics from Essa Public Library Board**
Re: November 2007
- f. **AMO Member Communication Items**
Re: New Incident Management System for Ontario

Resolution No: C410-2007 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that Information Items 5(a) to (f) be received.

Carried

6. CORRESPONDENCE - Action Items

- a. **Letter requesting waiving of Gymnasium Rental Fees**

Resolution No: C411-2007 Moved by: Macdonald, Seconded by: Dowdall

Be it resolved that the letter from Murray Margarit Memorial Face Off Against Leukemia Committee regarding their annual charity hockey tournament fundraiser be received; and that Council does agree to waive the rental fee for the gym at the Essa Recreation Centre on Friday, March 28, 2008 through until Sunday, March 30, 2008; and that the organizers publicly acknowledge the Township of Essa as a sponsor.

Carried

- b. **Letter from Totten Sims Hubicki Consulting Engineers**

Resolution No: C412-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that the letter from TSH Engineers regarding Brownley Water Storage Alternatives be received; and that the Consulting Engineer attend the January 9, 2008 Committee meeting to provide information.

Carried

7. COMMITTEE REPORTS

a. Economic Development Committee

Resolution No: C413-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that the minutes of the Economic Development Committee dated November 28, 2007 be received.

Carried

8. PETITIONS

9. MOTIONS AND NOTICES OF MOTIONS

This item will be included in the Public Notice the next time a public meeting is held to amend the Township's Fee Schedule.

Resolution No: C414-2007 Moved by: Macdonald, Seconded by: Dowdall

*WHEREAS the cost to the Township for the production of Township pins is \$1.45;
NOW THEREFORE BE IT RESOLVED THAT the Township Fee Schedule be amended to increase the purchase cost of each Township pin to \$1.50, effective immediately.*

Carried

10. UNFINISHED BUSINESS

11. BY-LAWS

a. By-law 2007 – 79

Councillor Macdonald expressed concern that the Township would be restricted from using other Engineers if this by-law was passed, or there would be a perception of favouritism. Mr. Murphy noted that TSH requires an official appointment to provide them with the authority to act on the Township's behalf, but this by-law does not restrict us to only utilizing this firm. The previous appointment by-law referred to R.G. Robinson, who was purchased by TSH. Other Engineering firms can, and have been, be contracted at any time, based on a competitive bidding process. The text of the by-law was amended to indicate that TSH is only one of other firms that the Township may choose to hire.

Resolution No: C415-2007 Moved by: Macdonald, Seconded by: Dowdall

Be it resolved that leave be granted to introduce By-law 2007-79, being a by-law to appoint Township Engineers; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

- b. Consideration of the proposed by-law to prohibit and regulate the discharge of firearms was deferred pending in camera discussion.

- c. **By-law 2007 – 80**

Clerk Carol Trainor advised Council that the amended Procedure By-law now includes the new Notice provisions, and was updated to incorporate the changes made to the *Municipal Act*. At Council's request, it also provides authority for a Consent Agenda to be used for correspondence items.

Resolution No: C416-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that leave be granted to introduce By-law 2007 – 80, being a By-law to govern the calling, place and proceedings of meetings of Council and Committees of the Township of Essa, and to repeal and replace By-law 2004-25; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

- d. Consideration of the proposed amendments to the Business Licensing by-law were deferred pending in camera discussion.

12. QUESTIONS

13. IN CAMERA

Resolution No: C417-2007 Moved by: Henderson, Seconded by: Newlove

Be it resolved that Council proceed In Camera at 7:15 p.m. in order to address matters pertaining to advice that is subject to litigation or potential litigation, including matters before administrative tribunals; and to receive advice that is subject to solicitor/client privilege, including communications necessary for that purpose; as well as a proposed or pending acquisition or disposition of land for municipal or local board purposes.

Carried

Council rose from the closed session at 8:20 p.m. and approved the following recommendations.

- a. **Proposed Sale of Land**

Resolution No: C418-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that Confidential Report PW-07-54 from the CAO/Public Works Manager be received, and the draft letter, as prepared by Graham, Wilson and Green in connection with the proposed sale of Vacant Land on Malcolm Street, be approved.

Carried

b. Proposed Recreational Facility

After much deliberation over possible options and alternatives, Council directed staff to pursue Option B as outlined in the report. A public meeting will be held as part of the Zoning Amendment process.

Resolution No: C419-2007 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that Confidential Report P07-78 from the Acting Manager of Planning and Development be received; and that staff be directed to proceed with the proposed zoning by-law amendment.

Carried as amended

c. By-law 2007 – 81

The Clerk advised that this amended by-law now incorporates the Breeding Kennel provisions, amendments to the Taxicab licensing process, and changing Refreshment Vehicles to Catering Trucks, as previously approved by By-law. It also states that any kind of Transient Traders are prohibited, with the exception of Catering Trucks. Other minor amendments, such as definitions, were also made and are noted in italics. The by-law, as presented, will be amended to include a definition of “Settlement Areas” and to list each one.

Resolution No: C420-2007 Moved by: Newlove, Seconded by: Henderson

Be it resolved that leave be granted to introduce By-law 2007 - 81, being a by-law to provide for the licensing, regulation and governing of certain businesses, trades or occupations carried on, or engaged in, and organized public amusement within the Township of Essa, and to repeal By-law 2005-97; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

d. By-law 2007 – 82

Planner Jim Hosick advised that this by-law is being brought forward to update and replace the existing Firearms By-law, passed in 1996. Amendments were made to expand the number of definitions, and to include exemptions for existing businesses where firearms are bought, sold, rented or used for recreational purposes; and for hunters, farmers, shooting competitors, a peace officer or police officer, any member of the Canadian Armed Forces, or a licensed conservation officer. This by-law also prohibits the discharge of a firearm over any publicly owned road, trail or facility, or any parcel of land adjacent to such public property. The definitions in the by-law presented are to be amended in accordance with the recommendations of the Solicitor.

Mr. Hosick further noted that the Municipal Act permits municipalities to determine what they consider to be a firearm, and any such reference may be removed or amended at a later date.

Resolution No: C421-2007 Moved by: Newlove, Seconded by: Dowdall

Be it resolved that leave be granted to introduce By-law 2007 – 82, being a by-law of the Corporation of The Township of Essa to prohibit and regulate the discharge of firearms within the limits of the municipality, and to repeal By-law 96-56; and that said By-law be read a first, and taken as read a second and third time and finally passed.

Carried

14. CONFIRMATION BY-LAW

By-law 2007 - 83

Resolution No: C422-2007 Moved by: Newlove, Seconded by: Henderson

Be it resolved that leave be granted to introduce By-law 2007 - 83, being a by-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this Nineteenth Day of December 2007; and that said By-law be read a first, and taken as read a second and third time and finally passed.


Carried


15. ADJOURNMENT

Resolution No: C423-2007 Moved by: Dowdall, Seconded by: Macdonald

Be it resolved that this meeting of the Council of the Township of Essa adjourn at 8:40 p.m. to meet again on the Ninth day of January 2008 following Committee of the Whole.

Carried


David Guergis, Mayor


Carol O. Trainor, Clerk