

**TOWNSHIP OF ESSA
COMMITTEE OF THE WHOLE
WEDNESDAY, 20 June 2007
6:00 p.m.**

A Committee of the Whole meeting was held on Wednesday, 20 June 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
Heather Rutherford, Chief Building Official

1. OPENING OF MEETING BY THE MAYOR

Mayor Guergis opened the Committee of the Whole meeting at 6:00 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS

- a. 6:00 Sandra Celli, resident of Glen Avenue**
Re: Request for Fencing Exemption

Mayor Guergis welcomed Sandra Celli to discuss her request for an exemption from the fencing by-law and Ontario Building Code requirements. Ms. Celli stated that she obtained a permit in 2006 for a pool and fence in her back yard and erected a 6 foot fence with two locking gates but there was an existing chain link fence between her yard and both side yards. There is no access to the back yard from the adjacent yards, nor the street, and she does not wish to remove the 4 foot chain link fence and replace it with a 5 foot fence. Her neighbours on both sides are in agreement. She is also troubled by the fact that there are pools in Thornton that have no fencing and yet she is required to comply when there is already a 4 foot fence in place.

Mayor Guergis replied that the Township is concerned with all pools, and the by-laws in place will be applied to all properties. Whether the neighbours have children or not is not the issue as

there are several families in the area, and kids will find a way to access a yard if they want to. A 4 foot fence will not stop them. The municipality, and the home owner, are liable in the event of an accident and Council and staff must ensure that due diligence has been shown to protect everyone. Exceptions cannot be made for an individual property at one point in time as it sets a precedence and everyone should be treated equally.

Chief Building Official Heather Rutherford stated that the building permit issued to this property states that the existing 4 foot chain link fence is to be replaced with a 6 foot wood fence and self closing gates, but the replacement fence has not been built.

Mayor Guergis added that other properties that have pools without fences will be addressed, but these people have not applied for permits, and pools can be installed in a short time period. The Township does not have the staff to conduct weekly property inspections so they will be addressed as we know about them in the interest of public safety. Mayor Guergis thanked Ms. Celli for bringing forward pictures of other yards that have unfenced pools. Council agreed that the 5 foot fence requirement would remain in place for this and all properties.

b. Presentation to Fire Chief Macdonald and Crews of Fire Stations 1 and 2

In making a presentation to Fire Chief Paul Macdonald and the crews of Fire Stations 1 and 2, Mayor Guergis offered his sincere congratulations for receiving this accreditation. Fire Chief Macdonald explained that the Township has received the Superior Tanker Shuttle Accreditation from Fire Insurance Underwriters achieving a flow rate during the two (2) hour test period of 2,385 litres per minute (525 imperial gallons per minute). The Superior Tanker Shuttle Accreditation provides the opportunity for residents in rural areas who are within eight (8) km of a fire station to request to have their insurance premiums reviewed by their broker.

Fire Chief Macdonald thanked the Mayor and Council for continued funding over the years, which was required in order to make this accreditation happen. He also noted the dedication of the fire fighters, members of the Roads Department, and thanked fire fighter Bob Morrison for his work with mechanic Joe Cochrane who rebuilt the trucks locally. The residents of Essa will be the big benefactors.

Certificates of Appreciation were presented to Station 1 District Chief Scott Powell, Station 2 District Chief Wally Ogilvie, and Deputy Chief Jeff Kirk. Members of Council expressed their appreciation to the members of both stations for their dedication and continued hard work.

c. PUBLIC MEETING

Re: Fees and Charges By-law

Mayor Guergis opened the Public Meeting to introduce proposed changes to the existing Fee Schedule in accordance with Section 391(1) of the *Municipal Act 2001*, S.O. 2001, c.M.25, as amended, which permits a municipality to pass By-laws imposing fees or charges on persons for

services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for the use of its property including property under its control.

There were no comments or questions from members of the public. Members of Council did not pose questions regarding amendments to the fee schedule.

Hearing no comments or questions, Mayor Guergis declared the meeting closed at 6:35.

STAFF REPORTS

4. PLANNING AND DEVELOPMENT

5. PARKS AND RECREATION / COMMUNITY SERVICES

a. Request to donate Sk8 competition proceeds to The Door

Resolution No: CW153-2007 Moved by: Dowdall, Seconded by: Macdonald

*Be it resolved that Report PR-2007-16 from the Recreation Coordinator/Programmer be received; and further
That the proceeds of the sale of hotdogs from the SK8 Competition in the amount of \$47.00 be donated to The Door.*

Carried

6. FIRE AND EMERGENCY SERVICES

a. Fire Underwriters Survey, Superior Tanker Shuttle Accreditation

Resolution No: CW154-2007 Moved by: Newlove, Seconded by: Henderson

*Be it resolved that Report F09-2007 from the Fire Chief be received; and that the letter of June 12, 2007 confirming the Township of Essa has received the Fire Underwriters Survey "Superior Tanker Shuttle Accreditation" be received; and
That this letter be posted on the Township website so that it is available for any resident to obtain for insurance purposes.*

Carried

b. Monthly Fire Services Reports

Resolution No: CW155-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that the incident reports from the Fire Chief for Fire Services for the months of March, April and May 2007 be received.

Carried

7. PUBLIC WORKS

a. Proposed Update to the County of Simcoe Entrance By-law

Resolution No: CW156-2007 Moved by: Macdonald, Seconded by: Henderson

Be it resolved that Report PW-07-37 from the CAO/Public Works Manager be received; and that the County be advised that the Township of Essa has no objections to the County's proposed updated Entrance By-law.

Carried

b. Proposed County Waste By-law

CAO Greg Murphy advised that, following a memorandum from the Clerk regarding added workload for the Municipal Law Enforcement Officer, he agrees that the Township does not have the manpower or the resources to enforce this by-law as written, and asked that Council consider removing that portion of the recommendation.

Mayor Guergis noted that this may reinforce the need for a part time enforcement officer to be added in future but agrees that right now the Township does not have the resources to cover County by-law enforcement. The County should be advised of this position.

Resolution No: CW157-2007 Moved by: Dowdall, Seconded by: Macdonald

*Be it resolved that Report PW-07-38 from the CAO/Public Works Manager be received; and further
That the County of Simcoe be advised that the Township of Essa does not object to their proposed draft County Waste By-law but has some concerns regarding enforcement.*

Carried as amended

c. Salt/Sand Storage Building Design/Build Proposal

CAO Greg Murphy advised that this project was budgeted at \$600,000 but he is recommending Alternative #2 to accommodate the County requirements. The County had expressed an interest in utilizing a portion of the storage space with a contribution of \$60,000 to \$90,000 toward the cost of construction, depending on their budget.

Resolution No: CW158-2007 Moved by: Dowdall, Seconded by: Macdonald

BE IT RESOLVED THAT the Design/Build proposal for the construction of a Salt/Sand Storage Building at the Roads Garage property as submitted by Domm Construction Ltd.. be accepted as follows:

Design/Build Salt/Sand Storage Building utilizing typical floor plan depicted as Alternative 2 \$ 725,971.00

4

<i>Plus Option to provide insulated overhead doors</i>	2,658.00
<i>Plus Option to change salt/sand storage door 20' wide X 26' high to polycarbonate style</i>	<u>4,660.00</u>
	<u>\$733,289.00</u>

And

THAT the additional funds needed over the budget estimate to facilitate the construction of this facility be paid for out of Reserves for Special Projects and that this Reserve Account be reimbursed as the Federal Gas Tax payments are received; and further

THAT the CAO/Public Works Manager be authorized to arrange for the necessary work to be completed.

Carried

8. FINANCE

9. CLERKS / BY-LAW ENFORCEMENT

a. Home Based Businesses

Clerk Carol Trainor noted that this proposal is being brought forward in response to many questions and concerns received by By-law Enforcement regarding home businesses, and is intended to ensure that any home occupation (business) is a use that is compatible and in keeping with the character of the neighbourhood, is in compliance with the Township's Zoning By-law and Official Plan, and also largely to control public nuisances such as noise, odours, dust or high traffic situations. Public safety will also be a determinant as to whether or not a home business license may be issued. It would not apply to temporary or short term sales such as a farmer selling goods produced on their property, nor would it apply to mobile businesses that occur away from a residence.

Councillor Newlove recommended that no fee be charged to encourage compliance, and that the license should not have to be renewed annually. A three year license term was agreed to.

Councillor Macdonald encouraged use of the list of businesses maintained by the Economic Development Office.

Deputy Mayor Dowdall voiced his strong opposition to more licensing, stating that the Zoning By-law can be used to ensure that businesses do not locate and set up in inappropriate locations. Mr. Murphy advised that enforcing a contravention of the Zoning by-law is a long legal process which can be very expensive and will not necessarily ensure compliance. Ms. Trainor added that a licensing by-law would allow offences to be processed through the *Provincial Offences Act* and lead to a quicker resolution to satisfy neighbours, and to prevent unfair business practices.

Acting Planner Jim Hosick advised that the Township Zoning By-law allows a home industry or home occupancy to be located within a home so long as it does not consume more than 25% gross floor area of the home; otherwise a business may be located in an accessory structure on

the property, if it is a permitted use. CBO Heather Rutherford stated that any “change of use” of a residence to accommodate a home based business may not be permitted and may create an unsafe living environment. Right now we are not aware of home businesses and cannot ensure the safety or the conditions in a residence under a change of use without some kind of tracking system.

Mayor Guergis stated that a business operating from a residence should be paying a commercial tax rate, and questioned if the Treasurer was aware if MPAC assesses a property as commercial if they have a sign and advertise a home business, or if they are assessed as residential only. Ms. Barrett offered to find out how many residential properties are paying a commercial component, adding that she believes that these residences would be assessed as dual commercial/residential.

The Mayor reiterated that the intent of licensing is not to hassle people conducting small, non-intrusive businesses from their homes, but to ensure that the Township is aware of proposals for future businesses, that any business use is compatible and does not create a nuisance, and to ensure that any home business that grows, does so safely and in accordance with the guidelines provided.

Deputy Mayor Dowdall will work with the Planner to determine if the Zoning by-law can be tightened up to be more easily enforceable.

Resolution No: CW159-2007 Moved by: Newlove, Seconded by: Macdonald

*Be it resolved that Report C10-2007 from the Clerk and the Acting Manager of Planning and Development be received as amended; and that the Comprehensive Licensing By-law be amended to include a Schedule for Home Occupancies (small businesses) with no licensing fee, which would allow the Municipality to monitor and gain compliance with the Zoning By-law with respect to properties with Home Occupancies for gain or profit, and to control any noise, dirt or nuisance created by the use; and
That licenses issued will be valid for a period of 3 years.*

Deputy Mayor Dowdall requested a recorded vote.

Henderson	Yea	
Macdonald	Yea	
Newlove	Yea	
Dowdall		Nay
Guergis	Yea	

Carried as amended

b. Ontario Municipal Rural Broadband Partnership Program

Resolution No: CW160-2007 Moved by: Macdonald, Seconded by: Henderson

6

Be it resolved that Report C11-2007 from the Clerk be received.

Carried

c. Rural Connections: Municipal Rural Broadband Partnership Program

Clerk Carol Trainor advised Council what information was offered at the public information session held the previous day. The Province is offering funding of up to \$1 million (per project) for the installation of a broadband network in rural unserved areas. The municipality and any partners would provide the additional two-thirds. Applications from municipalities must be completed and submitted by July 13, 2007, and must include confirmation of partnerships with a provider, as well as other municipal partners, and a commitment to funding. The chance of success lies with those municipalities that are ready to proceed with this project immediately.

While it is a much needed service, and would be most welcome by residents or small business operators in the rural areas, the time frame to complete the application submission deadline is too short and at least one staff member would have to dedicate the next 3-4 weeks to this project in order to have the application completed on time. At this time the Province is advising that this is a one time opportunity, but there is hope that a second intake will be considered given the short time frame provided, as it would reap a number of economic benefits.

Resolution No: CW161-2007 Moved by: Newlove, Seconded by: Macdonald

Be it resolved that Report C11a-2007 from the Clerk providing an update on the Ontario Municipal Rural Broadband Partnership Program be received.

Carried

10. OTHER BUSINESS

a. Request for Township Pins

Simcoe Community Services Foundation has requested 24 Township pins to recognize volunteers at the 12th Annual Golf Tournament to be held on Friday, June 22, 2007. Agreed.

b. Daytime Ice Time Rates

Councillor Henderson, Chair of the Parks and Recreation Committee, noted that there is no daytime rate for ice time in the arenas. The Committee asked last year for a special daytime rate but the request was denied. He asked Council to reconsider this fee. The committee should bring forward a written request.

c. Signage for Parks

The Parks and Recreation Committee was asked to identify and have signs made for all Township parks. All the parks should be identified and named on maps and on the websites.

ensure they are identified on maps and on the websites. Staff was requested to compile a list of all parks and the names of them to ensure they are named correctly and, once approved by Council, signage for all parks can be ordered.

d. Essa Centennial Park, West of Ivy

Mayor Guergis referred to a cottage being built on a portion of the Township road allowance. The Township has submitted a proposal to the owner to pay the legal fees and purchase the required property for \$7,000 in exchange for clear title. A second proposal from the resident is to trade the equal amount of property toward Centennial Park. The resident would like to know the financial implications and fees that may be incurred. The Township could convey the road allowance to him, legal and survey costs should not be much to do that.

Mr. Murphy advised that, in the event the owner does not purchase the unopened road allowance, an encroachment agreement will be required now that the Township is aware of the situation to protect ourselves and maintain insurance for the life of the property. The owner is to be notified that he should make enquiries about the costs that might be involved in either case. The unopened road allowance was surveyed and paid for by the owner. Council is not opposed to either option, and will leave the choice to the land owner, provided there are no costs incurred by the municipality.

e. Well Monitoring at Brownley Site

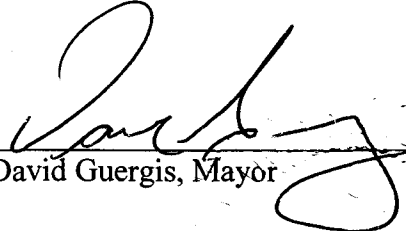
Mr. Murphy advised that a hydrogeological company has requested permission to monitor the Brownley site for their permit to take water. Council approved this monitoring.

11. ADJOURNMENT


Resolution No: CW162-2007 Moved by: Newlove, Seconded by: Dowdall

Be it resolved that this meeting of Committee of the Whole of The Township of Essa adjourn at 7:45 p.m. to meet again on 11 July 2007 at 6:00 p.m.

Carried



David Guergis, Mayor



Carol O. Trainor, Clerk