MUNICIPALITY OF NORTHERN BRUCE PENINSULA

COUNCIL MEETING

No. 13-10

MINUTES

April 22, 2013 at 1:01 p.m.

MEMBERS PRESENT: Mayor Milton McIver
Deputy Mayor John Bainbridge
Councillor Tom Boyle
Councillor Betsy Stewart
Councillor Ray Burns

STAFF PRESENT: Chief Administrative Officer, Bill Jones
Clerk, Mary Lynn Standen
Treasurer, Teresa Shearer
Deputy Clerk, Cathy Addison
Public Works Manager, William Rydall
Assistant Public Works Manager, Troy Cameron
Facilities Supervisor, Marshall Tigert
Deputy Chief Building Official, Wendy Elliott
Municipal Law Enforcement Officer, Carol Hopkins
Acting Fire Chief, Wilf Barnes
Secretary, Charlotte Martindale

OTHERS PRESENT: S/Sgt Wayne Thompson
Ina Toxopeus
Helen Fry
Station Chief Brent Richardson

DISCLOSURE OF PECUNIARY INTEREST

Mayor McIver called the meeting to order at 1:01 p.m. and Council members were reminded to disclose any pecuniary interest that may arise during the course of the meeting. No disclosures of pecuniary interest were expressed at this time.

APPROVAL OF THE AGENDA

Moved by T. Boyle
Seconded by B. Stewart
Resolution # 10-01-2013

THAT the content of the Agenda be approved as presented.

Carried

ADOPTION OF THE MINUTES

Re: Council Meeting No. 13-09, April 8, 2013

Moved by R. Burns
Seconded by B. Stewart
Resolution # 10-02-2013

THAT the minutes of Council Meeting No. 13-09, April 8, 2013 be approved as printed and circulated.

Carried
PUBLIC MEETING

   Re: Public Meeting - Fees & Charges By-law No. 2013-27

Deputy Mayor Bainbridge objected to the $50.00 fee for “Closed Session Investigation Fee” and stated that, in his opinion, this charge should be removed. There were no questions or comments from the audience with respect to the items to be added to the by-law.

The Public Meeting concluded at 1:12 p.m.

PRESENTATION

   Re: Presentation to Brent Richardson
   45 Years of Fire Service

Mayor McIver presented Station Chief for Fire Station 20, Brent Richardson with a certificate for 45 years of volunteer services with the Lion’s Head Fire Department & Northern Bruce Peninsula Fire and Emergency Services.

Mayor McIver thanked Station Chief Richardson for his exemplary service and commitment to protecting the health and safety of the community.

Acting Fire Chief Wilf Barnes thanked Station Chief Richardson for his dedication and years of service.

DELEGATION

1. Friends of Cabot Head
   Re: Transfer of property of Cabot Head Lightstation

Ms. Ina Toxopeus gave a presentation with regard to the Cabot Head Lighthouse divesture in 2015 and requested that the Municipality send a letter of intent to the Department of Fisheries and Oceans to purchase the property of the Cabot Head Light Station.

The Chief Administrative Officer will report on this issue for the May 27, 2013 Council Meeting.

Mayor McIver thanked the delegation for their presentation.

CONSIDERATION OF AGENDA ITEMS

1. O.P.P. Report
   Re: March 2013


Pc Vanderheyden gave a brief history and advised that he is looking forward to working with the Municipality of Northern Bruce Peninsula.

Moved by B. Stewart
Seconded by R. Burns

THAT Council receives the March 2013 O.P.P. Report, as information.

Carried
2. Public Works Department Report No. PW 13-12
Re: Tobermory Cairn Proposed Renovations

Moved by T. Boyle  
Seconded by B. Stewart  

Resolution # 10-04-2013

THAT Council receives and reviews Public Works Report No. PW-13-12 as information as it relates to proposed renovations to the Bruce Trail terminal cairn in Tobermory;

AND THAT Council authorizes the Peninsula Bruce Trail Club to proceed with the proposed renovations to the Bruce Trail terminal cairn in Tobermory.

Carried

Re: Surface Treatment Tender

Moved by B. Stewart  
Seconded by R. Burns  

Resolution # 10-05-2013

THAT Council receives and reviews Public Works Report No. PW-13-13 as information as it relates to the 2013 Surface Treatment Tender;

AND THAT Council pending discussions and comments from today’s review, awards the Surface Treatment Tender to MSO Construction Limited in the amount of $663,423.00, including HST.

Carried

4. Public Works Department Report No. PW 13-14
Re: 2013/2014 Winter Sand Tender

Moved by T. Boyle  
Seconded by R. Burns  

Resolution # 10-06-2013

THAT Council receives and reviews Public Works Report No. PW-13-14 as information as it relates to the 2013/2014 Winter Sand Tender;

AND THAT Council, pending discussions and comments from today’s review, awards the Winter Sand Tender to Hunter Haulage and Excavating Incorporated, in the amount of $70,936.88, including HST.

Carried

5. Public Works Department Report No. PW 13-15
Re: Forty Hills Road

Moved by T. Boyle  
Seconded by B. Stewart  

Resolution # 10-07-2013

THAT Council receives Public Works Report No. PW 13-15 as information as it relates to Forty Hills Road;

AND THAT Council, pending discussions and comments from today’s review, recommends advising Mr. Tyler Hayes of its acceptance of a property transfer for roadway purposes.

Carried
6. Public Works Department Report No. PW 13-16
Re: Bartley Drive Drainage Concerns

Moved by R. Burns
Seconded by B. Stewart

Resolution # 10-08-2013

THAT Council adopts the Occupational Health and Safety Minutes No. 13-02, March 26, 2013, as circulated and approves all actions contained therein.

Carried

7. Facilities Department Report FS 13-03
Re: Upgrading Tobermory Boat Launch Tender

Moved by R. Burns
Seconded by B. Stewart

Resolution # 10-09-2013

THAT Council receives Facilities Department Report No. FS 13-03 as information as it relates to Upgrading Tobermory Boat Launch tender; and

THAT Council awards the contract for Upgrading Tobermory Boat Launch to Harold Sutherland Construction Limited for Contract No. 121-25441-00, in the amount of $98,490.84 (excluding HST).

Carried

8. Deputy Clerk Report No. DC 13-05
Re: Integrated Accessibility Standards Regulation (IASR)

Moved by B. Stewart
Seconded by R. Burns

Resolution # 10-10-2013

THAT Council receives Deputy Clerk Report No. DC 13-05, as information, as it relates to Integrated Accessibility Standards Regulation training.

Carried

Re: 2012 Policing Reconciliation

Moved by T. Boyle
Seconded by B. Stewart

Resolution # 10-11-2013

THAT Council receives Treasurer’s Report No. TR13-13 as information regarding the 2012 Policing Reconciliation.

Carried

10. Treasury Department Report No. 13-14
Re: 2012 Council Remuneration

Moved by R. Burns
Seconded by B. Stewart

Resolution # 10-12-2013


Carried
Re: Bruce County Historical Society Barn Project
(former Eastnor, Lindsay and St. Edmunds Townships)

It was noted the Mr. Bruce Krug has taken many pictures of barns in the area, along with history to go with them.

Moved by B. Stewart  Resolution # 10-13-2013
Seconded by T. Boyle

THAT Council authorizes the Municipal Clerk to make known the desire of the Bruce County Historical Society to secure assistants and coordinators for its Barn Project (in the former Townships of Eastnor, Lindsay and St. Edmunds);

THAT Council acknowledges and supports the significance of this project as outlined in the attached article authored by Mrs. Audrey Underwood, Chair of the Barn Project Committee.

Carried

Re: Niagara Escarpment Commission
Request for Comments
Donald and Tonia Mallott
41 Forty Hills Road
Part Lot 41, Concession 5 EBR (Eastnor)
File No.: B/R/2012-2013/9143
Related File Nos. B/R/93-94/172 and B65/95.63

Moved by R. Burns  Resolution # 10-14-2013
Seconded by B. Stewart

THAT Council directs staff to submit to the Niagara Escarpment Commission the Municipality’s position of no objection relating to the Request for Comments submitted Donald and Tonia Mallott to construct a 1.5 storey, 4,272 square foot dwelling with attached garage having a maximum height of 27 feet, a one storey, 1,200 square foot accessory building (personal work shop) having a maximum height of 20 feet and install a private sewage disposal system and a driveway on a 9 acre existing parcel described as Part Lot 41, Concession 5, EBR, (Eastnor), and located at 41 Forty Hills Road, Municipality of Northern Bruce Peninsula, subject to the following comments:

1. THAT the owners shall make application to the Municipality for the installation of a new sewage system (form and fee is applicable payable to the Municipality);
2. THAT a minimum side yard setback requirement of the RU1 zone be maintained (10 meters);
3. THAT a minimum rear yard setback requirement of the RU1 zone be maintained (30 meters);
4. THAT an adequate setback is maintained between the existing drainage course and the proposed septic/tile bed.

Carried
Re: Appointment of Municipal Law Enforcement Officers

Moved by T. Boyle  Resolution # 10-15-2013
Seconded by R. Burns

THAT Council approves the appointment of Municipal Staff--Carol Hopkins, Joshua Holden, Wendy Elliott, Scott Haw, Wilfred Barnes and Brian Finger as Municipal Law Enforcement Officers for the Municipality of Northern Bruce Peninsula; and

THAT Council will consider the passage of By-law No. 2013-39 appointing said individuals as Municipal Law Enforcement Officers at its regular meeting on Monday, May 13, 2013.

Carried

Re: Request for Closed Session Investigation

Moved by T. Boyle  Resolution # 10-16-2013
Seconded by B. Stewart

THAT Council receives Clerk Report No. C 13-24 as information relating to a request for a closed session investigation received by the Municipal Clerk on March 27, 2013.

Carried

15. Chief Administrative Officer Report No. CAO 13-17
Re: Decks at Greenough Harbour

Moved by B. Stewart  Resolution # 10-17-2013
Seconded by R. Burns

THAT Council receives the Chief Administrative Officer Report No. CAO 13-17, relating to decks at Greenough Harbour, as information.

Carried

16. History Project Committee (Northern Area)
Re: Minutes No. 13-04, April 3, 2013

Moved by R. Burns  Resolution # 10-18-2013
Seconded by B. Stewart

THAT Council does hereby adopt the History Project Committee (Northern Area) report dated April 3, 2013, as circulated, and approves all actions contained therein.

Carried

OTHER BUSINESS

a) Deputy Mayor Bainbridge asked when the Robert Allen Drive improvements will be completed. He was advised that the current completion date is the end of 2015.

b) The Public Works Manager advised that the department is looking at a walk behind sweeper for the Tobermory Cenotaph.
c) Councillor Burns attended a Community Dinner where a presentation was done by Mr. John McLaughlin for Habitat for Humanity. He informed the group that land has been donated in the Tobermory area to assist a family in need.

CORRESPONDENCE

Correspondence was noted on the following:

a) Spruce the Bruce – Community Investment pays dividends for the 2013 Spruce the Bruce Program

b) Bruce Peninsula District School – Tennis Net Request
   - The Facilities Supervisor advised that the 2013 Budget has been set and a request will be made for 2014 budget consideration.

c) Municipality of Kincardine – Off Road Vehicles on Highways
   - Resolution will be placed on the next regular Council Meeting agenda for May 13, 2013.

d) Tina Chladny – Lion’s Head Beach Pavillion – 2013 Farmer’s Market
   - The Municipal Clerk noted that there are no conflicts with the 2013 Farmer’s Market calendar.

Moved by B. Stewart
Seconded by R. Burns

THAT the correspondence be received for information as circulated.

Carried

READING OF BY-LAWS

Deputy Mayor Bainbridge requested that a recorded vote be taken on By-law No. 2013-27.

Moved by T. Boyle
Seconded by R. Burns

THAT the following listed by-laws be given 1st, 2nd and 3rd reading and enacted:

2013-19 BEING A BY-LAW TO ESTABLISH NOTICE PROVISIONS FOR THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA

2013-30 BEING A BY-LAW TO AMEND BY-LAW NO. 2002-54, AS AMENDED, BEING THE COMPREHENSIVE ZONING BY-LAW FOR THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA AS IT RELATES TO THE REMOVAL OF THE HOLDING (H) ZONE PROVISION – UNIT 2 AND 34, PLAN D-15, 64 STOKES RIVER ROAD MUNICIPALITY OF NORTHERN BRUCE PENINSULA, ROLL NO. 62-5-29500

2013-31 BEING A BY-LAW TO ADOPT THE ESTIMATES OF ALL SUMS REQUIRED DURING THE YEAR AND TO SET THE TAX RATES FOR THE YEAR 2013

2013-32 BEING A BY-LAW TO SET THE DUE DATES FOR THE FINAL INSTALLMENTS OF 2013 MULTI-RESIDENTIAL, COMMERCIAL AND INDUSTRIAL TAXES
2013-36 BEING A BY-LAW TO ADOPT OFFICIAL PLAN AMENDMENT NO. 10 TO THE OFFICIAL PLAN FOR THE TOBERMORY AND LION’S HEAD SECONDARY URBAN AREAS AND THE HAMLET OF FERNDALE, ROLL NO. 64-1-15800

2013-37 BEING A BY-LAW TO AMEND THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA BY-LAW NO. 2002-54, AS AMENDED, BEING THE ZONING BY-LAW FOR THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA (11 MOORE STREET - UNITS 83-86, PLAN D7, SECTION D7, PCL 83-1), ROLL NO. 64-1-15800


Carried

Moved by T. Boyle  Resolution # 10-21-2013
Seconded by R. Burns

THAT the following listed by-law be given 1st, 2nd and 3rd reading and enacted:

2013-27 BEING A BY-LAW TO SET FEES AND CHARGES FOR THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA

The Clerk read By-law No. 2013-27 on the floor and proceeded to call and record the votes of Council:

| Councillor Burns: | Yes |
| Councillor Boyle: | Yes |
| Councillor Stewart: | Yes |
| Deputy Mayor Bainbridge: | No |
| Mayor McIver: | Yes |

The Clerk announced that By-law No. 2013-27 was carried.

Carried

CLOSED SESSION

No “Closed Session”

RECONVENE FROM "CLOSED SESSION" TO RESUME COUNCIL MEETING

No “Closed Session”

ADJOURNMENT

Moved by T. Boyle  Resolution # 10-22-2013
Seconded by B. Stewart

THAT the meeting adjourns at 2:10 p.m.

Carried

Mayor – Milt McIver  Clerk – Mary Lynn Standen