

THE CORPORATION OF THE MUNICIPALITY OF NEEBING
MINUTES OF THE REGULAR MEETING OF COUNCIL

Held at the Municipal Office
On Wednesday, July 20, 2016

PRESENT: Mayor Ziggy Polkowski
Councillor Erwin Butikofer
Councillor Mike McCooeye
Councillor Bill Lankinen
Councillor Roger Shott
Councillor Brian Wright
Councillor Curtis Coulson

Rosalie A. Evans, Solicitor-Clerk

1. PRELIMINARY MATTERS:

- (a) **Call to Order:** Mayor Polkowski called the meeting to order at 6:30 p.m.
- (b) **Attendance:** Attendance was recorded.
- (c) **Accept/Amend the Agenda:**

Res. No. 2016-07-181

Moved by: Councillor Coulson
Seconded by: Councillor Butikofer

BE IT RESOLVED THAT the agenda circulated for this regular meeting of Council be amended to:

- a) Withdraw, at Mr. Broenle's request, his request to speak to Council (Item 2.3);
- b) Add, as Item 4.2A, a report from Administration relating to nominations being sought for positions on the Board of Directors for the Community School Alliance;
- c) Add, as Item 4.5A, a report from Administration relating to a request for quotations for replacing culverts relating to the recent storm;
- d) Add, as Item 4.8, a report from Administration relating to questions from constituents;
- e) Remove Items 3.6 and 3.8 from the Consent portion of the agenda, and include them in the Reports section, as Items 4.9 and 4.10;
- f) Table Item 7.3 to a special meeting of Council to be held on September 14th, 2016 at 9:30 a.m.; and
- g) Add, as Item 7.7, a Closed Session discussion subject to Solicitor-Client privilege, relating to a request from Councillor Shott for a legal opinion.

CARRIED ✓

- (d) **Declarations of Interest:** No declarations of interest were received.

2. HEAR DEPUTATIONS FROM AUDIENCE MEMBERS:

2.1 Gary Davies, Nature Conservancy of Canada

Mr. Davies opened by stating he would review some background information on the Nature Conservancy and then explain the group's interest in the Trout Bay area in Neebing. The NCC has 360 paid staff across Canada, and even more volunteers, like Mr. Davies. It owns/manages over 2.8 million acres of land, 188,000 of which are in Ontario. The group is science-based rather than an advocacy group.

The NCC identifies lands that might have scientific interest and purchases private property on the open market. They also take charge of "conservation easements" where they manage conservation property without actually owning the land. This is undertaken with the consent of the private property owners. Some of the property is farm land, so the conservation easement allows a farmer to graze livestock, but does not allow for crop planting/harvesting.

Whenever the NCC makes a purchase, their constitution and by-laws require them to raise 120% of the actual purchase price first. The extra secures the maintenance of the property in future.

Most of their properties are open to the public provided no vehicles are used. They are used for hiking, boating and for scientific study. Hunting and/or angling are permitted on some of the lands based on agreements with the local chapters of hunting or fishing federations.

Mr. Davies reviewed and described some of the properties that the NCC manages.

With respect to the Trout Bay property, the NCC would like to develop a management plan for the properties, and will present the plan, in draft, to Council before it is finalized. They wish to be a part of the Neebing Community. Some of the plan involves rehabilitation – as there are some old mining shafts on the site.

Mr. Davies responded to questions from Council.

Councillor Shott pointed out that the NCC had, ten years ago, made a presentation in which Neebing was shown as a "target". For this reason, he disagrees that the group does not advocate. Councillor Shott feels that Northwestern Ontario, as a prime "target" of the NCC, is being used to assuage the conscience of the Southern Ontario developers.

Mayor Polkowski indicated that Council does not oppose the NCC or its right to buy property. What is causing grief is that the NCC will not be paying tax on the land at its value based on its purchase price. Mr. Davies confirmed that the NCC intends to continue to pay tax based on the assessed value, but not on the basis of the purchase price. Mr. Davies acknowledged that, at any time, the NCC could apply to place the property into the "conservation land tax incentive program" or "CLTIP" if the increases in assessed value resulted in taxation levels too high for the group to afford. He also stated that, personally, as a taxpayer, he agrees with Council's position in lobbying the government for a return of the monies Neebing loses to the CLTIP. When asked whether the NCC would assist Council in lobbying for fairness in the application of the CLTIP, Mr. Davies repeated that the NCC is not an advocacy group. He did point out that the NCC pulled out of the CLTIP in a municipality (Pellee Island) where the program was causing financial hardship.

It was pointed out by the Mayor and other members of council that this last section of privately owned waterfront is Neebing's only opportunity for a significant tax assessment increase. The NCC will not allow shoreline development and this relates in an enormous lost opportunity. Neebing Council is not anti-conservation, but there has to be a limit. So much of the area is protected already.

Councillor Butikofer expressed an interest in making the NCC property available to the public. Lands adjacent to them may well become interesting to developers, as the owners would have ready water access without actually owning waterfront. He is interested in exploring tourism opportunities as well. Meanwhile, however, the lobbying for a cap on, or refund of monies lost because of, the CLTIP program will continue.

Mr. Davies left the deputation table at 7:09 p.m.

2.2 Dick Facca, Lenore Lake Roads

Mr. Facca thanked Council for the opportunity to speak. He stated he and his family have a seasonal camp at 433 Lake Lenore Road. There are 12 seasonal residents and one permanent resident in the area of his camp. His concern relates to safety, given that the road to the cottages is considered by Neebing to be private, and is unmaintained.

It is Mr. Facca's belief, based on some brushing undertaken a few years ago, that the Municipality was going to start maintaining the road. He believes that this circumstance changed when the Solicitor-Clerk was hired. He wants Council to re-consider the status of the road and to undertake seasonal maintenance. Brushing, grading and gravel application (when needed) is all that is being sought.

Mr. Facca read a letter he had sent to Minister Mauro (Ministry of Municipal Affairs) in this regard, and provided a copy of the letter to the Solicitor-Clerk. Mr. Facca also handed to the Solicitor-Clerk a photocopy of Plan of Subdivision M64, registered in December of 1949. Mr. Facca states that this plan was "never applied for", and that, if the Municipality does not apply for the plan, he will personally do so, and the government will then require that Neebing assume the roads. If Neebing will undertake seasonal maintenance, however, he will not "apply for" the plan. He feels this is a reasonable compromise. As a ratepayer paying the same rates as persons on year-round, maintained roads, he feels the road should be at least seasonally maintained.

Mayor Polkowski pointed out that the brushing done in 2012 was never intended to be "the start" of Neebing undertaking regular maintenance. It was undertaken after it was requested. Councillor Shott indicated that in 2012 the status of the road was not known, and the brushing was undertaken "in good faith".

Mayor Polkowski indicated that the Municipality would advise Mr. Facca of the next steps.

Mr. Facca left the deputation table at 7:22 p.m.

2.3 Todd Broenle, East Oliver Lake

Mr. Broenle had withdrawn his deputation request, as noted in Resolution 2016-07-181.

2.4 Joanne Leeder, Happy Hollow Campers Association

Ms. Leeder indicated that she was speaking on behalf of the Happy Hollow Campers Association ("HHCA"). The HHCA is requesting some signs be placed on Willowdale Road near its intersection with South Bay road. They are looking for "no exit" signs and "no public boat launch" signs. The HHCA would also appreciate it if Council would formally announce the closure of the boat launch at East Oliver Lake Road.

Councillor Shott expressed his opinion that, while the "no exit" sign is a municipal sign relating to its roads, and can be erected, he advised Ms. Leeder the "no public boat launch" sign relates to a private property issue. He recalled Council having received a similar request from a private property owner on Lake Lenore. The agreement was reached that the signs, prepared at the expense of the owner, would be erected by the Municipality at locations approved by the Working Roads Foreman.

Mayor Polkowski advised Ms. Leeder that the decision about the launch on East Oliver Lake Road had not been finalized.

In response to questions, a member of the audience, who is also a member of the HHCA, indicated that the HHCA is not interested in opening up its boat launch to the public.

Ms. Leeder left the deputation table at 7:28 p.m.

3. CONSENT AGENDA: MINUTES, REPORTS AND CORRESPONDENCE

3.1 (&7.1) Minutes of the Regular meeting of Council held June 15, 2016

Administration recommended that the minutes for the open session (Item 3.1) and the closed session (Item 7.1), with any error corrections, as required, be approved. No errors were noted in the draft minutes as presented.

3.2 Minutes of the Special meeting of Council Held June 20, 2016

Administration recommended that the minutes for the special meeting of council, be approved. No errors were noted in the draft minutes as presented.

3.3 Minutes of the Special meeting of Council (sitting as Committee of the Whole) Held July 11, 2016

Administration recommended that the minutes for the special meeting of council, sitting as Committee of the Whole, scheduled as a public meeting under the Planning Act, be approved. No errors were noted in the draft minutes as presented.

3.4 Minutes of the Special meeting of Council Held July 11, 2016

Administration recommended that the minutes for the special meeting of Council, be approved. No errors were noted in the draft minutes as presented.

3.5 Minutes of the meeting of the Neebing Recreation Committee held on June 13, 2016

Administration recommended that the minutes be received.

3.6 Minutes of the meeting of the Neebing Recreation Committee held on July 11, 2016

This matter was re-located to become Item 4.9 of the Agenda.

3.7 Report from the Secretary of the Neebing Recreation Committee Regarding Canada Day Celebrations, 2016

Administration Recommended that the report be received.

3.8 Report from the Chair of the Neebing Recreation Committee relating to a Proposed Day Care operation at Blake Hall

This matter was re-located to become Item 4.10 of the Agenda.

3.9 Minutes of the meeting of the Neebing Recreation Committee held on July 11, 2016

This matter was re-located to become Item 4.9 of the Agenda.

3.10 Voucher Report for June

Administration recommended approval of the vouchers.

3.11 Report from Working Roads Foreman Regarding Departmental Activity in the Preceding Month

Administration recommended that the report be received for information.

3.12 Report from Fire Chief Regarding Departmental Activity in the Preceding Month

Administration recommended that the report be received for information.

3.13 Report from Treasurer with Respect to Crushing Gravel

Administration recommended that Neebing undertake double the amount of crushing in 2016 than had originally been planned, as detailed in the report.

3.14 Correspondence from the Township of Gillies, received June 30th, Seeking letters in support of the position taken in the correspondence

Administration recommended that a resolution in support be sent, as requested.

3.15 Correspondence from the Chair of the Neebing Recreation Committee, providing particulars with respect to a Gazebo for the Margaret Street boat launch area

Administration recommended that Council approve of the Committee's decisions.

3.16 Correspondence from the City of Kenora seeking support for two resolutions

One resolution from Kenora asked the Province to ban door to door sales. The second asked the Province to reconsider (and suspend) its decision to combine the Rural Economic Development Program with the Jobs and Prosperity Fund. Administration recommended that Council pass and circulate supporting resolutions.

3.17 Correspondence from the Township of Larder Lake regarding Climate Change

Larder Lake had supported a resolution from Chatham-Kent which urged the Province to reconsider any "Climate Action Plan" policies or strategies for forcing rural residents and

businesses to use expensive energy options. Administration recommended that Council pass and circulate supporting resolutions.

3.18 Correspondence from the Township of Gillies seeking support for Accessibility Funding Applications

Administration recommended that Council pass and send a supporting resolution by the requested deadline of July 25th, 2016.

3.19 Correspondence from the City of Hamilton circulating a resolution regarding changes to the Ontario Autism Program.

Administration recommended that a resolution in support be sent, as requested.

3.20 Correspondence from the Township of North Frontenac and the Township of Addington Highlands

This correspondence involves copies of letters addressed to the Minister of Health and Long Term Care, suggesting that the Province provide financial assistance to Volunteer Fire Teams who respond to medical calls. Administration recommended that a similar letter be sent to the Ministry and that the Townships be advised.

3.21 Correspondence from the City of Quinte West seeking support for Its Position on "Small" Campgrounds

Quinte West urges the federal government to continue to recognize "small" (employing fewer than 5 people) campgrounds to be recognized as "small businesses" for taxation purposes. Administration recommended that a resolution in support be sent, as requested.

3.22 Information Correspondence List

Administration recommended that the correspondence be received for information.

Res. No. 2016-07-182

Moved by: Councillor Wright

Seconded by: Councillor Shott

BE IT RESOLVED THAT Council approve the recommendations from Administration with respect to all of the items on the consent agenda portion of this evening's meeting, including Item 7.1, but excluding items 3. 6 and 3.8.

CARRIED ✓

4. REPORTS AND CORRESPONDENCE RECEIVED REQUIRING DIRECTION:

4.1 Report from Treasurer/Deputy Clerk Regarding Attendees for OGRA and ROMA Conferences

Members present reviewed and discussed the Report. On consensus, it was agreed that Mayor Polkowski will attend the ROMA conference, with one member of Administration, and Councillor Shott will attend the OGRA conference, with one member of Administration.

4.2 Report from Solicitor-Clerk Regarding Administrative Activity

Members present reviewed and discussed the Report. Councillor Butikofer advised that the

Economic Development Committee will be hosting a booth at the "Little Trout Bay" Day, presented by the Lakehead Region Conservation Authority on August 20th.

Res. No. 2016-07-183

Moved by: Councillor Shott
Seconded by: Councillor Coulson

BE IT RESOLVED THAT:

- a) The medical bursary application review team be comprised of Councillors Shott, McCooeye and Wright;
- b) Neebing's membership in the Great Lakes St. Lawrence Cities' Initiative be renewed; and
- c) The services of Cheadles law firm be retained to transfer ownership of a portion of Boy Scout Road.

CARRIED ✓

4.2A Report from Solicitor-Clerk Regarding the Community Schools Alliance

Members present reviewed and discussed the report.

Res. No. 2016-07-184

Moved by: Councillor Shott
Seconded by: Councillor Coulson

BE IT RESOLVED THAT:

- a) Neebing join the Community Schools Alliance as a formal member; and
- b) Neebing put forth Mike McCooeye's name as a representative on the Community Schools Alliance.

CARRIED ✓

4.3 Report from Solicitor-Clerk re East Oliver Lake "Unofficial" Boat Launch area

Res. No. 2016-07-185

Moved by: Councillor McCooeye
Seconded by: Councillor Shott

BE IT RESOLVED THAT this Report be tabled, to be lifted from the table at the August 24th regular meeting of Council.

CARRIED ✓

4.4 Report from Solicitor-Clerk regarding December-January Activities

Members present reviewed and discussed the Report, and the various options within it.

Res. No. 2016-07-186

Moved by: Councillor McCooeye
Seconded by: Councillor Wright

BE IT RESOLVED THAT:

- a) The Municipal Office close at noon on Friday, December 23rd, 2016, and re-open at 8:00 a.m. on Tuesday, January 3rd, 2017;

- b) The Landfill Sites be closed on Christmas Eve and Christmas Day, New Year's Eve and New Year's Day, and be opened for full days on Wednesday, December 28th, 2016 and on Wednesday, January 4th, 2016;
- c) Administration advertise the closures on the website, in the Neebing News and on bulletin boards; and
- d) The first regularly scheduled Council meeting in January be cancelled.

CARRIED ✓

4.5 Report from Solicitor-Clerk Regarding Options for Repair of a Culvert on Scoble Townline Road

Members present reviewed and discussed the Report.

Res. No. 2016-07-187

Moved by: Councillor Shott
Seconded by: Councillor Coulson

BE IT RESOLVED THAT a tender be issued to replace the arch culvert, with the same size culvert as was damaged, and to undertake the work this year, and that cost recovery (to the extent possible) be pursued through the new Disaster Recovery Assistance Program for Municipalities

CARRIED ✓

4.5A Report from Solicitor-Clerk Regarding Culvert Replacement for Flood Damaged culverts

Members present reviewed and discussed the report.

Res. No. 2016-07-188

Moved by: Councillor Butikofer
Seconded by: Councillor Lankinen

BE IT RESOLVED THAT the contract to replace the culverts be awarded to Tyson Construction and that cost recovery (to the extent possible) be pursued through the new Disaster Recovery Assistance Program for Municipalities.

CARRIED ✓

4.6 Correspondence from the Secretary of Neebing Fire Rescue Association

Members present reviewed and discussed the Correspondence.

Res. No. 2016-07-189

Moved by: Councillor McCooeye
Seconded by: Councillor Lankinen

BE IT RESOLVED THAT NFRA be congratulated for another successful event, and That the mural prepared by the children attending the annual NFRA "tailgate sale" fundraiser, be hung in the Municipal Office for one year, and then stored in the Municipal archives.

CARRIED ✓

4.7 Report from Solicitor-Clerk Regarding responses to the Quotation Request to purchase a New Ford F250

Members present reviewed and discussed the Report. There was some debate over whether to purchase a diesel-powered or a gasoline-powered vehicle.

Res. No. 2016-07-190

Moved by: Councillor Wright
Seconded by: Councillor Coulson

BE IT RESOLVED THAT the Purchasing By-law be waived for the purchase of the new pickup truck for the Municipal Roads Department (in accordance with the budget) to provide for a purchase after a request for quotations from Ford dealers rather than a tender, because the Council endorsed purchasing a Ford product rather than any other type of vehicle; and
That the Municipality purchase a diesel-powered Ford F250 Crew Cab from Sunset Country Ford, as the lowest quoted price in response to the request for quotations; and
That the dealer be requested to provide more detail relating to the plow quoted prior to purchasing.

CARRIED ✓

4.8 Road-Related Questions from Constituents

Members present reviewed and discussed the Report.

With respect to Walker Road, the consensus of Council is that the road should be maintained past the point to which it is maintained today, based on history. The constituent will be contacted by Councillor Shott for further information/follow up.

With respect to the request for signage by the resident of Candy Mountain Drive, the consensus of Council is that the signage (prepared by and at the expense of the constituent) be erected by the Roads Crew in areas approved by the Working Roads Foreman.

With respect to the request for dust suppression on Cottage Drive East, the consensus of Council is that the Working Roads Foreman be advised that dust suppression is approved, but only for the areas in front of the cottages. No dust suppression is approved for Cottage Drive West.

The next two items of business were dealt with together as a single matter.

4.9 (Formerly 3.6) Minutes of the meeting of the Neebing Recreation Committee held on July 11th, 2016

4.10 (Formerly 3.8) Report from the Chair of the Neebing Recreation Committee relating to a Proposed Day Care operation at Blake Hall

Members present reviewed and discussed the Minutes and the Report. There is support for a day care operation, however, as noted in the report, the Blake Hall is not a good "fit" for the facility, both because of the state of the supporting infrastructure, and because of its function as a community hall. The Solicitor-Clerk advised that she would speak with the proponent about possible other options that might work.

Res. No. 2016-07-191

Moved by: Councillor Lankinen
Seconded by: Councillor Butikofer

BE IT RESOLVED THAT the report and minutes reviewed be received.

CARRIED ✓

5. TABLE BY-LAWS

- 5.1 By-law 2016-020 to appoint Ken Yanishewski as Neebing's Chief Building Official, retroactive to July 9, 2016

Res. No. 2016-07-192

Moved by: Councillor Lankinen

Seconded by: Councillor Shott

BE IT RESOLVED THAT By-law 2016-020 to appoint a new Chief Building Official, be passed.

CARRIED ✓

Due to having declared an interest with respect to the following matter, Councillor Shott left the Council Chambers during consideration of the next matter.

- 5.2 By-law 2016-021 to Re-Zone Property (Cliff View Campers Association)

Res. No. 2016-07-193

Moved by: Councillor McCooeye

Seconded by: Councillor Coulson

BE IT RESOLVED THAT By-law 2016-021 to re-zone property on Margaret Street North, be passed.

CARRIED ✓

Councillor Shott returned to Council Chambers at 8:42 p.m.

6. NEW BUSINESS - ANNOUNCEMENTS

Members present had the opportunity to raise other items of new business at this point in the meeting.

Mayor Polkowski requested that Administration place an article in the next Neebing News to remind constituents not to litter. There is garbage being strewn at the mailbox area near the intersections of East Oliver Lake Road and Highway 608. Members present agreed that placing garbage receptacles at the site is not the solution, as they become abused and end up overflowing.

Councillor Lankinen commented that dust suppression activities were ongoing.

Mayor Polkowski advised those present that the front end loader has broken down and is in need of repair. If the repairs will take awhile, it may be necessary to rent another one, as work is being held up.

The Solicitor-Clerk asked members present when they would like to have a special meeting to review the draft request for proposals document for the new base station fire hall. On consensus, the matter was scheduled for July 27th, 2016 at 9:30 a.m. A package will be available for pick up on Friday, July 22nd.

A brief recess was called at 8:47 p.m. to allow the chambers to clear prior to the Closed Session Agenda.

7. CLOSED SESSION:

Res. No. 2016-07-194

Moved by: Councillor Lankinen
Seconded by: Councillor McCooye

BE IT RESOLVED THAT, the time being 8:51 p.m., Council close the next portion of the meeting to the public, under the authority of those paragraphs of Subsection 239(2) of the Municipal Act, 2001 for which the meeting was closed, to consider item 7.1 (minutes of the Closed session of the prior Council meeting); and under the authority of paragraph 239(2)(b) to consider item 7.5, involving personal matters about identifiable individuals; and under the authority paragraph 239(2)(c) to consider item 7.2, involving a proposed or pending acquisition or disposition of land by the municipality; and under the authority of paragraph 239(2)(d) to consider item 7.6, involving labour relations or employee negotiations; and under the authority of paragraph 239(2)(e) to consider item 7.4, involving litigation or potential litigation affecting the municipality; and under the authority of paragraph 239(2)(f) to consider item 7.7, involving matters subject to solicitor-client privilege.

CARRIED ✓

Members reviewed the items scheduled for closed session. During closed session, the following procedural resolution was passed:

Res. No. 2016-07-195

Moved by: Councillor Butikofer
Seconded by: Councillor Wright

BE IT RESOLVED THAT, the time being 9:43 p.m., Council rise from closed session and report in open session.

CARRIED ✓

7.1 Minutes of the Closed Session portion of the Regular Council meeting held June 15, 2016

Item 7.1 was approved through the Consent Agenda Resolution.

7.2 Report from Solicitor-Clerk Regarding Personnel Matters

Res. No. 2016-07-196

Moved by: Councillor McCooye
Seconded by: Councillor Coulson

BE IT RESOLVED THAT Administration be authorized to proceed as directed in Closed Session.

CARRIED ✓

7.3 Report from Solicitor-Clerk Regarding CUPE Negotiations

Item 7.3 was tabled through the Resolution amending the Agenda for this evening's meeting.

7.4 Report from Solicitor-Clerk Regarding appeal to the June 1st Zoning By-law

Res. No. 2016-07-197

Moved by: Councillor Lankinen

Seconded by: Councillor Shott

BE IT RESOLVED THAT Administration be authorized to proceed as directed in Closed Session.

CARRIED ✓

Matters 7.5 through 7.7 were dealt with in a single resolution

7.5 Report from Solicitor-Clerk Regarding Request from Neebing Residents to purchase Municipal Land

7.6 Report from Solicitor-Clerk Regarding Complaint about Gravel in Lake at Happy Hollow Campers Association Property

7.7 Request from Councillor Shott for a Legal Opinion.

Res. No. 2016-07-198

Moved by: Councillor Butikofer

Seconded by: Councillor Wright

BE IT RESOLVED THAT the reports at Items 7.5 and 7.6 and the legal opinion presented at Item 7.7 be received for information.

CARRIED ✓

8. ADJOURN THE MEETING:

Mayor Polkowski adjourned the meeting at 9:50 p.m.

REGULAR MEETING OF COUNCIL



Ziggy Polkowski
MAYOR



Rosalie A. Evans
SOLICITOR-CLERK

