

THIRTY-EIGHTH Meeting - Regular Session

The Town of Oakville Council met in regular session this 21st day of November 2005 in the South Atrium of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville commencing at 7:30 p.m.

- Present: Mayor - Ann Mulvale
- Councillors - Tom Adams
- Keith Bird
- Cathy Duddeck
- Allan Elgar
- Marc Grant
- Jeff Knoll
- Mike Lansdown
- Fred Oliver
- Renee Sandelowsky
- Chris Stoate
- Janice Wright
- Staff - M. J. Chechalk, CAO / Town Manager
- D. Lunardo, Commissioner of Community Services
- G. Lalonde, Acting Commissioner of Corporate Services
- D. Carr, Town Solicitor
- L. Bourns, Director of Human Resources
- D. Cozzi, Director of Roads & Works
- P. Elliott-Spencer, Acting Director of Finance & Treasurer
- C. McConnell, Manager of Current Planning & Urban Design
- C. Best, Town Clerk
- K. Patrick, Supervisor of Council & Committee Services
- Regrets: Councillor - Ralph Robinson

Declarations of Pecuniary Interest

No declarations of pecuniary interest were declared.

The Mayor advised that a Notice of Motion would be introduced as an item of New Business in addition to a congratulatory motion.

Confirmation of Minutes of the previous Council Meeting(s)

Minutes of the Regular Session of Council, NOVEMBER 7, 2005

Minutes of the Regular Session of Council, NOVEMBER 14, 2005

Moved by Councillor Knoll

Seconded by Councillor Adams

That the minutes of the regular meetings of Council dated November 7, 2005 and November 14, 2005 be approved.

CARRIED

DELEGATION

Bill Perras, Solicitor for Oakville United Taxi, re: Town of Oakville Taxicab By-law 2005-026, Item #6 of the Administrative Services Committee of November 15, 2005.

STANDING COMMITTEE / COMMITTEE OF THE WHOLE REPORTS

Administrative Services Committee, NOVEMBER 15, 2005

Moved by Councillor Knoll

Seconded by Councillor Elgar

That the recommendations of the Administrative Services Committee meeting of November 15, 2005 be approved, subject to the separation of Item 1 – Bill 123 , *Transparency in Public Matters Act* for further discussion.

CARRIED

The Mayor transferred the Chair to Councillor Wright in order to speak to ASC - Item #1.

Councillor Wright transferred the Chair back to the Mayor.

Moved by Councillor Sandelowsky

Seconded by Councillor Grant

That the recommendation pertaining to Item 1 – Bill 123, *Transparency in Public Matters Act* presented to the Administrative Services Committee meeting of November 15, 2005 be approved as follows, including the receipt of the supplementary report dated November 16, 2005 from the Clerk's Department:

1. That the Minister of Municipal Affairs be advised that the Town of Oakville endorses the positions of the Association of Municipalities of Ontario (AMO) and the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) with regard to Bill 123, the Transparency in Public Matters Act, 2005;
2. That the Province be requested to remove municipalities from the list of public bodies subject to Bill 123 recognizing that openness and transparency regulations relating to municipalities are currently addressed within the Municipal Act and that should additional provisions be required, this be addressed within the Municipal Act review;
3. That MPP Flynn and MPP Chudleigh be requested to vote against the Bill should the reference to municipal councils in Bill 123 not be deleted; and
4. That the Clerk's Department supplementary report to Item 1 of the November 15, 2005 Administrative Services Committee meeting, entitled Bill 123, Transparency in Public Matters Act be received."

CARRIED

Community Services Committee, NOVEMBER 15, 2005

Moved by Councillor Wright

Seconded by Councillor Lansdown

That the non-quorum report of the Community Services Committee meeting of November 15, 2005 be received.

CARRIED

AGENDA ITEMS

1. **Agreement Extension – Region of Halton Roads Maintenance – File: 33-21**
- Report from the Department of Roads and Works, November 1, 2005

Moved by Councillor Wright

Seconded by Councillor Knoll

That the Mayor and Clerk be authorized to execute an amendment to the Region of Halton Roads Maintenance Agreement, as detailed in the report from the Department of Roads & Works Operations dated November 1, 2005.

CARRIED

2. **Extended On-Street Parking Consideration – 213 Wedgewood Drive**
- Report from the Department of Engineering & Construction, November 21, 2005

Moved by Councillor Wright

Seconded by Councillor Knoll

That two (2) on-street parking permits for the residents of 213 Wedgewood Drive be granted for the period November 22, 2005 to November 30, 2005.

CARRIED

- C-1. **Citizen Appointments to various Advisory Boards and Committees**
- Confidential Report from the Clerk's Department, November 11, 2005

Moved by Councillor Wright

Seconded by Councillor Knoll

1. That the following citizens be appointed to the Advisory Committees as noted for three year terms to expire December 31, 2008:

- a. **Bronte District Advisory Committee:**
i. Alan Johnston
- b. **Citizen Transit Advisory Committee:**
i. Damian Burt
ii. Michael Hendricks
iii. John Lilloco
iv. Ann McCulloch
v. Keith Tauro
vi. Lenna Bradburn
- c. **Oakville Harbours Advisory Committee:**
i. Peter Copestake
ii. David Hickling
iii. Richard Perks
- d. **Parks & Recreation Advisory Committee:**
i. Janice Black
ii. Meaghan Palynchuk
iii. Larry Twells

(continued)

Item C-1 - Citizen Appointments to various Advisory Boards and Committees continued

- e. **Property Standards Committee:**
 - i. Pamela Calleja
 - ii. Paul Keery

 - f. **Seniors Advisory Committee:**
 - i. Jean Beaumont
 - ii. Doreen Bennink
 - iii. Terry Ponedel
 - iv. Verena Sherman

 - g. **Traffic Advisory Committee:**
 - i. Michael Bruder
 - ii. Dennis Mooney
 - iii. Scott Murray
 - iv. Barry Palynchuk
 - v. Domenic Scozzafava
 - vi. Robert Patrick
2. That Harry Wogden be appointed to the Citizen Task Force for Council Financial Review as the citizen appointee and that the following representative appointments be confirmed:
- i. Archibald H. McCallum, Residents' Association Representative
 - ii. Carol Gooding, former Member of Council
 - iii. Mike Haines, Business Community Representative
 - iv. John Ford, Advisory Committee or Board Representative
3. That the one citizen vacancy currently existing on Conservation Halton not be filled pending the determination of Councillor appointments to Conservation Halton (Region of Halton); and
4. That the Town Clerk be requested to bring forward a report to address quorum difficulties for advisory committees when multiple vacancies exist to allow for reduced quorum requirements for a period of not greater than eight weeks, pending the filling of such vacancies.

CARRIED

**C-2. Appointment of Acting Commissioner of Corporate Services
- Confidential Report from the CAO/Town Manager, November 15, 2005**

Moved by Councillor Wright

Seconded by Councillor Knoll

- 1. That Gord Lalonde be appointed Acting Commissioner of Corporate Services of the Corporation of the Town of Oakville effective December 1, 2005 for the period during which the recruitment to fill this position is undertaken and the position filled by Council resolution on a permanent basis; and
- 2. That during the term of this appointment, Gord Lalonde, Acting Commissioner, be conferred all the powers, rights and duties conferred upon the Commissioner of Corporate Services by law and by direction of this Council.

CARRIED

3. **Pilot Program – Driveway Snow Windrow Clearing Service for Seniors & Physically Challenged Persons**
- **Report from the Department of Roads & Works, November 1, 2005**

Moved by Councillor Lansdown

Seconded by Councillor Knoll

1. That a three (3) year pilot program commencing December 19, 2005 offering driveway snow windrow clearing service to assist senior citizens and physically challenged persons, in cooperation with Halton Helping Hands, as detailed in the report from the Department of Roads & Works Operations dated November 1, 2005, be approved.
2. That staff report back to Council on the results of the pilot program at the end of the three (3) years.

CARRIED

4. **2006 Council Appointments to various Boards and Committees and By-law 2005-200**
- **Report from the Clerk's Department, November 11, 2005**

Moved by Councillor Wright

Seconded by Councillor Duddeck

1. That the following appointments of Members of Council to Council's Standing Committees, for the term December 1, 2005 to November 30, 2006, be approved:
 - a) **Administrative Services Committee:**
Mayor Mulvale
Councillor Bird
Councillor Elgar
Councillor Grant
Councillor Lansdown
Councillor Oliver
Councillor Wright
 - b) **Community Services Committee:**
Mayor Mulvale
Councillor Adams
Councillor Duddeck
Councillor Knoll
Councillor Robinson
Councillor Sandelowsky
Councillor Stoate
 - c) **Bronte District Advisory Committee:**
Councillor Lansdown
Councillor Robinson
 - d) **Citizen Transit Advisory Committee:**
Councillor Adams
 - e) **Development Building Liaison Committee:**
Councillor Lansdown

(continued)

**Item 4 - 2006 Council Appointments to various Boards and Committees and
By-law 2005-200 continued**

- f) **Heritage Oakville:**
Councillor Sandelowsky
Councillor Stoate

- g) **Licensing Appeal Committee:**
Councillor Duddeck
Councillor Grant
Councillor Knoll

- h) **Oakville & District Humane Society:**
Councillor Duddeck

- i) **Oakville Harbours Advisory Committee:**
Councillor Lansdown

- j) **Oakville Tourism Partnership (subcommittee of OEDA):**
Councillor Grant

- k) **Oakville Youth Advisory Committee:**
Mayor Mulvale
Councillor Grant

- l) **Parks & Recreation Advisory Committee:**
Councillor Grant
Councillor Stoate

- m) **Public Hearing Committee on Biting Dogs**
Councillor Knoll
Councillor Robinson
Councillor Duddeck

- n) **Seniors Advisory Committee:**
Councillor Duddeck
Councillor Robinson

- o) **Sidewalk Committee:**
Councillor Knoll
Councillor Robinson
Councillor Sandelowsky

- p) **Special Committee Against Impaired Driving (SCAID):**
Mayor Mulvale
Councillor Grant

- q) **Taxicab Review Committee**
Councillor Grant
Councillor Knoll
Councillor Oliver

- r) **Town of Oakville Water & Air Rescue Force (T.O.W.A.R.F.):**
Councillor Oliver

- s) **Traffic Advisory Committee:**
Councillor Duddeck

(continued)

**Item 4 - 2006 Council Appointments to various Boards and Committees and
By-law 2005-200 continued**

2. That the following Members of Council be appointed to the following committees for the term December 1, 2005 to November 30, 2006:
 - a) **Conservation Halton:**
(Name to be submitted to Regional Council for confirmation of appointment)
Councillor Bird
Councillor Elgar
Councillor Oliver
 - b) **United Way of Oakville**
Councillor Wright
3. That the following Members of Council be appointed to the following legislated or incorporated boards or committees for the term December 1, 2005 to November 30, 2006:
 - a) **Site Plan Committee:**
Mayor Mulvale
Councillor Duddeck
Councillor Elgar
Councillor Grant
Councillor Robinson
 - b) **Oakville Economic Development Alliance Incorporated:**
Mayor Mulvale
Councillor Lansdown
Councillor Wright
4. That By-law 2005-200 "A by-law to appoint Members of Council to certain Boards and Committees as provided herein", be passed with the incorporation of the determinations established in part 3 above, and establishing the following preferences of Members of Council for appointment to legislated or incorporated boards and committees, as follows:
 - a) **Accessibility Advisory Committee:**
Councillor Robinson
 - b) **Bronte Village B.I.A. Board of Management:**
Councillor Robinson
 - c) **Downtown Oakville B.I.A. Board of Management:**
Councillor Bird
 - d) **Oakville Public Library Board:**
Councillor Adams
Councillor Knoll
 - e) **Oakville Galleries Board of Directors:**
Councillor Sandelowsky

CARRIED

NEW BUSINESS

Notice of Motion regarding a Private Tree By-law

- From Councillors Sandelowsky and Elgar, Ward 4

In accordance with Section 6.6.1 of the Procedure By-law this Notice of Motion is submitted by Councillors Sandelowsky and Elgar for consideration at the next Council Meeting of December 5, 2005:

WHEREAS trees are proven producers of oxygen, a necessary element for the survival of mankind; and

WHEREAS trees appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air; and

WHEREAS trees play an important role in the hydrologic cycle, transpiring considerable amounts of water each day, thereby precipitating dust and other particulate airborne pollutants for the air; and

WHEREAS trees play an important role in neutralizing waste water which passes through the ground from the surface to ground water tables and lower aquifers; and

WHEREAS trees, through the root systems, stabilize the soil and play an important and effective part in soil conservation, erosion control and flood control; and

WHEREAS trees are an invaluable physical, economic, and psychological benefit to the Town of Oakville, making life more comfortable by providing shade and cooling both air and land, reducing noise levels and glare, and breaking the visual monotony of development on the land; and

WHEREAS trees provide wildlife habitat and play other important ecological roles; and

WHEREAS the protection of trees within the Town of Oakville is not only desirable, but essential to the present and future health, safety, and welfare of all the citizens of the Town of Oakville; and

WHEREAS other jurisdictions in the Greater Toronto Area (GTA), such as Mississauga and Toronto, have taken steps and implemented policies which result in the preservation of privately owned trees; and

WHEREAS the Region's April 2002 report, entitled, "Rationale and Methodology for Determining Significant Woodlands in the Regional Municipality of Halton," states that the retention of forest cover plays a significant role in mitigating poor air quality episodes, particularly along shorelines (e.g., Oakville, Burlington) receiving pollution across the Great Lakes because the ozone is not depleted over water and therefore the ozone concentrations are even higher along the shoreline that would be expected if the pollution had passed over land; and

WHEREAS, the Town of Oakville has limited policies for the protection of privately-owned trees and it would be prudent to have such policies in effect now, recognizing the increasing amount of infill development, as well as the impending development of north Oakville,

(continued)

NEW BUSINESS continued

THEREFORE BE IT RESOLVED:

1. That staff be directed to bring forward a report, prior to the consideration of the 2006 Budget, addressing the pros and cons of introducing a private tree by-law in the Town of Oakville.
2. That the staff report include the consideration of:
 - a. setbacks, regulated by development engineering guidelines;
 - b. financing implications associated with the introduction of such a by-law; and
 - c. a process for public involvement during the consideration of such a by-law.
3. That should staff be unable to provide such a report within the specified time frame, staff be authorized to obtain quotes and report back on the cost implications of using external consulting resources to address this matter.

Moved by Councillor Sandelowsky

Seconded by Councillor Lansdown

THEREFORE BE IT RESOLVED that this Council congratulates Councillor Allan Elgar on his selection by Carolinian Canada for their annual Carolinian Canada Award, presented at their Carolinian Stakeholders' meeting of November 10, 2005, "in recognition of his outstanding contribution towards the protection of the natural diversity and natural habitats of Ontario's Carolinian Zone".

CARRIED

IN-CAMERA

Moved by Councillor Wright

Seconded by Councillor Duddeck

That Council resolve into a closed meeting session for the purpose of receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose pertaining to Confidential Items C-3 and C-4.

CARRIED

Council resolved in-camera at 8:55 p.m.

C-3. Committee of Adjustment Appeal – 350 Watson Avenue
- Confidential Report from the Legal Department, November 16, 2005

Moved by Councillor Stoate

Seconded by Councillor Adams

That the Town not appeal the decision of the Committee of Adjustment in C.A.V. A/230/2005 granting variances from the zoning by-law with respect to 350 Watson Avenue.

CARRIED

C-4. Potential Litigation Matter - TOWARF

- Confidential Verbal Report from the CAO/Town Manager

Moved by Councillor Wright

Seconded by Councillor Knoll

That the confidential verbal report from the CAO/Town Manager and Town Solicitor regarding a potential litigation matter be received.

CARRIED

Council resolved out of camera at 9:45 p.m.

CONSIDERATION AND READING OF BY-LAWS

Moved by Councillor Knoll

Seconded by Councillor Grant

That this be authority to give first, second, third and final reading to the following by-laws:

2005-026 A by-law to license, regulate and govern brokers, owners and drivers of taxicabs (Re: ASC Item #6)

2005-198 A by-law to amend By-law 1962-191, as amended, in respect of the Ontario Municipal Employees Retirement System (Fire Management) (Re: ASC Item #C-1)

2005-200 A by-law to appoint Members of Council to certain Boards and Committees as provided herein

2005-206 A by-law to confirm proceedings of a meeting of Council.

CARRIED

ADJOURNMENT

Moved by Councillor Lansdown

Seconded by Councillor Adams

That this meeting now adjourn.

CARRIED

The meeting adjourned at 9:48 p.m.

ANN MULVALE
MAYOR

CATHIE L. BEST
TOWN CLERK

SEVENTEENTH Meeting - Regular Session

A meeting of the Community Services Committee was scheduled for the 15th day of November 2005, in Committee Room 1 of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville, commencing at 7:30 p.m.

At 8:00 p.m., there being no quorum, the meeting stood adjourned until the next scheduled meeting date, in accordance with Procedural By-law 2005-30, Section 4, Subsection 4.1(5). The Committee Coordinator recorded the following members as being in attendance:

Councillors: Cathy Duddeck, Chair
Renee Sandelowsky
Chris Stoate

FIFTHTEENTH Meeting - Regular Session

The Administrative Services Committee met in regular session this 15th, day of November, 2005 in the Oakville Room at the Oakville Municipal Building, 1225 Trafalgar Road, Oakville commencing at 7:30 p.m.

Present: Chairperson - Councillor Jeff Knoll
Councillors - Tom Adams
- Allan Elgar
- Mike Lansdown
- Fred Oliver

Staff: - G. Lalonde, Acting Commissioner of Corporate Services
- D. Huctwith, Assistant Town Solicitor
- E. Bourns, Director of Human Resources
- P. Elliott-Spencer, Acting Director of Finance & Treasurer
- P. Bouillon, Assistant Clerk
- J. Barry, Acting Supervisor By-law Enforcement
- M. Fogarty, Acting Manager of By-law Enforcement
- N. Karamians, Committee Co-ordinator

Regrets: Mayor - Ann Mulvale
- Keith Bird

Declarations of Pecuniary Interest

No declarations of pecuniary interest were declared.

Agenda Items

3. Bill 206 - An Act to Revise the Ontario Municipal Employees Retirement System

- Report from Human Resources Department, November 11, 2005

Moved by Councillor Adams

1. That the position of the Association of Municipalities of Ontario (AMO) as it pertains to Bill 206 – *An Act to Revise the Ontario Municipal Employees Retirement System Act* be endorsed; and
2. That the Honourable Dalton McGuinty, the Ministry of Municipal Affairs and the AMO be advised that the Town of Oakville does not support Bill 206 and requests that the Government of Ontario reconsider the advisability of proceeding with Bill 206 in its current form.

CARRIED

C-1. A By-law to Establish Fire Management Under the Ontario Municipal Employees Retirement System (OMERS) NRA 65

- Confidential Report from Human Resources Department, October 25, 2005

Moved by Councillor Adams

That By-law 2005-198 be approved establishing fire management under the Ontario Municipal Employees Retirement System (OMERS) provisions as NRA 65.

CARRIED

2. 2004 Municipal Performance Measurement Program (MPMP)

- Report from the Finance Department, November 3, 2005

Moved by Councillor Adams

That the report on the 2004 Municipal Performance Measurement Program be received.

CARRIED

1. Bill 123, Transparency in Public Matters Act

- Report from the Town Clerk, November 4, 2005

Moved by Councillor Elgar

That the report from the Town Clerk dated November 4, 2005 with respect to Bill 123, *Transparency in Public Matters Act* be referred to the Council meeting of November 21, 2005 in order to enable further review of Bill 123.

CARRIED

4. Request for a Minor Variance to the Sign By-law from J and B Engineering on behalf of Shell Canada at 3451 Rebecca Street

- Report from the Clerk's Department, October 14, 2005

Moved by Councillor Adams

That the request for a minor variance to the Sign By-law from J and B Engineering Inc., on behalf of Shell Canada Products at 3451 Rebecca Street be denied.

CARRIED

5. Request for a Minor Variance to the Sign By-law from Maxximum Media on behalf of Longo's at 338 Dundas Street East

- Report from the Clerk's Department, October 25, 2005

Moved by Councillor Oliver

That the request for a minor variance to the Sign By-law 1994-142 from Maxximum Media, on behalf of Longo's at 338 Dundas Street East, be deferred to the Administrative Services Committee meeting of November 29, 2005 as requested by the applicant.

CARRIED

6. Town of Oakville Taxicab By-law 2005-026

- Report from the Clerk's Department, October 24, 2005

Moved by Councillor Oliver

That Town of Oakville Taxicab By-law 2005-026 be passed.

CARRIED

ADVISORY COMMITTEE MINUTES:

7. Taxicab Review Committee (Thursday, October 20, 2005)

Moved by Councillor Elgar

That the minutes of the Taxicab Review Committee from its meeting of October 20, 2005 be received.

CARRIED

Adjournment

Moved by Councillor Elgar

That this meeting now adjourn.

CARRIED

The meeting adjourned at 8:15 p.m.