

**THIRTIETH Meeting - Regular Session**

The Town of Oakville Council met in regular session this 10<sup>th</sup> day of August 2009, in the Council Chamber of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville, commencing at 6:00 p.m.

Present: Mayor - Rob Burton

Councillors - Tom Adams  
- Keith Bird  
- Mary Chapin  
- Cathy Duddeck  
- Allan Elgar  
- Marc Grant (Arrived 6:28 p.m.)  
- Alan Johnston  
- Max Khan  
- Jeff Knoll  
- Roger Lapworth  
- Fred Oliver (Arrived 6:35 p.m.)  
- Ralph Robinson

Staff - R. Green, Chief Administrative Officer  
- G. Lalonde, Commissioner of Corporate Services  
- D. Lunardo, Commissioner of Community Services  
- D. Carr, Town Solicitor  
- P. Elliott-Spencer, Director of Finance and Treasurer  
- J. Courtemanche, Director of Strategy, Policy and Communications  
- N. de Vaal, Director of Recreation and Culture  
- J. Kwast, Director of Development Services  
- D. Lambert, Director of Engineering and Construction  
- C. Mark, Director of Parks and Open Space  
- D. St. George, Director of Economic Development  
- M. Seaman, Manager of Heritage Services  
- N. Sully, Senior Manager, Financial Planning and Policy  
- D. Parsons, Development Coordinator, Development Services  
- V. Tytaneck, Assistant Clerk  
- L. Morgan, Committee Coordinator

**Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

**Confirmation of Minutes of the previous Council Meeting(s)**

Minutes of the Regular Session of Council, **JULY 13, 2009**

Confidential Minutes of the Closed Session of Council, **JULY 13, 2009**

Moved by Councillor Johnston      Seconded by Councillor Duddeck

That the minutes of the regular meeting of Council dated July 13, 2009, and the confidential minutes of the closed session of Council dated July 13, 2009, be approved.

CARRIED

**Delegation(s)**

Ken McIntyre, Elder of Hopedale Presbyterian Church, re: Hopedale Presbyterian Church, Item 8 on the agenda.

**COMMITTEE OF THE WHOLE**

Moved by Councillor Lapworth      Seconded by Councillor Chapin

That this meeting resolve into a Committee of the Whole session.

CARRIED

**AGENDA ITEM(S)**

*With the consensus of Council, the agenda items were considered out of order.*

8. **Hopedale Presbyterian Church**  
- **Notice of Motion introduced at the Council meeting of July 13, 2009.**

Moved by Councillor Robinson

WHEREAS the Sign By-law 2009-059 prohibits the erection of permanent ground and fascia signs on properties zoned for residential uses other than those advertising Day Nurseries and Bed and Breakfast establishments;

WHEREAS Hopedale Presbyterian Church, 156 Third Line, is located on land zoned RO2 Residential and therefore not entitled to display permanent ground and fascia signs without first obtaining a variance to the Sign By-law;

WHEREAS many other places of worship, schools or public institutions in Oakville are located on lands zoned P/E (Public Use/Education) and entitled to display permanent ground and fascia signs;

WHEREAS the Site Plan fee for a variance to permit permanent ground and fascia signs at Hopedale Presbyterian Church would be \$1,500.00; and

WHEREAS Council has waived such fees in recognition of such unique zoning designations in past, specifically relating to the Salvation Army Oakville Community Church and Ecole Pine Grove School as detailed in information circulated in the July 2 - 8, 2009 Council Information package;

THEREFORE BE IT RESOLVED that in consideration of the church's zoning designation, the request from Hopedale Presbyterian Church to waive the sign variance fee, relating to an application to permit permanent ground and fascia signs to advertise the church, be approved.

CARRIED

1. **Subdivision Agreement - Monarch Phase 2A & 2B - 24T-01005, SD522.7**  
- **Report from Development Services, July 24, 2009**

Moved by Councillor Elgar

1. That the Subdivision Agreement between the Town and Bronte Creek Community Limited (File: 24T-01005) be approved and the Town Solicitor be authorized to insert any required plan numbers;
2. That the Mayor and Clerk be authorized to execute the Subdivision Agreement with Bronte Creek Community Limited; and
3. That the Town Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement.

CARRIED

2. **Assumption of Subdivision Plan 20M-931**  
**Bayshire Joshua Creek Phase 3 - By-law 2009-047; SD.538**  
**Report from Development Services, June 18, 2009**

Moved by Councillor Elgar

1. That this report dated June 18, 2009, from Development Services be received; and
2. That the assumption of Plan 20M-931 be approved and By-law 2009-047 be passed.

Moved by Councillor Adams

That the foregoing motion be amended to include an additional clause to read as follows:

- “3. That the assumption of Plan 20M-931 be subject to the retention in the amount of \$10,000 in developer securities to ensure that any outstanding grading and drainage improvements are undertaken to the satisfaction of the Development Services Department.”

CARRIED

The Mayor called for the vote on the main motion moved by Councillor Elgar, as amended.

CARRIED

3. **Development Charges By-law 2009-118 and 2009-119**  
- **Report from Finance Department, August 1, 2009**

Moved by Councillor Adams

1. That the Development Charges By-law 2009–118 and 2009–119, found under “Consideration and Reading of By-laws” on this agenda, be adopted; and that these new by-laws shall take effect at 12:01 am on August 31, 2009;

(continued)

2. That Council determine that no further public meetings are required under Section 12 of the *Development Charges Act*;
3. That the Development Charges Background Study, dated June 2009, prepared by Hemson Consulting Limited, as amended to reflect technical changes per Appendix J to this report, be approved in accordance with Section 10 of the *Development Charges Act*;
4. That the growth related capital forecast as contained in the Development Charges Background Study, dated June 2009, as amended, be approved, as an expression of Council's intention to ensure that the increase in the need for services attributable to the anticipated development, will be met and that the 2009-2018 Capital Forecast approved by Council on June 1, 2009, be amended to reflect the growth related capital forecast in the Development Charges Background Study, dated June 2009, as amended; and
5. That Council indicate its intention that development related costs identified in the Development Charges Study, dated June 2009, as amended, as providing post period benefit (future excess capacity) shall be paid for by development charges or other similar charges.

CARRIED

4. **Bronte Heritage Waterfront Park - BBF Donor Recognition Area**

- **Report from Department of Parks and Open Space,  
July 27, 2009**

Moved by Councillor Robinson

1. That the portion of the Bronte Heritage Waterfront Park that incorporates the Bronte Butterfly Foundation (BBF) Donor Recognition Area as illustrated in Appendix B and outlined in the report from the Parks and Open Space Department, dated July 27, 2009, be approved for construction at an estimated cost of \$250,000; and
2. That funding for the landscape plan include the \$50,000 received in 2009 from the BBF, and the additional requirement of \$200,000 be funded from the cash-in-lieu parkland reserve.

CARRIED

6. **Heritage Designation - 131 Trafalgar Road**  
- **Report from Planning Services, July 29, 2009**

Moved by Councillor Duddeck

That notice of intention to designate be issued under Section 29, Part IV of the *Ontario Heritage Act*, for the property located at 131 Trafalgar Road.

CARRIED

7. **Oakville Hydro Transformer Station**

- **Report from Commissioner of Corporate Services,  
August 5, 2009**

Moved by Councillor Duddeck

That Oakville Hydro Corporation be authorized to proceed with the project to design, construct, own and operate its own transformer station as proposed in the memorandum dated August 4, 2009, from Oakville Hydro CEO, Alex Bystrin, and detailed in the Transformer Station Summary Options Study.

CARRIED

9. **Bicycle Safety**

- **Notice of Motion, introduced at the Council meeting of  
July 13, 2009.**

Moved by Councillor Oliver

WHEREAS there are rules governing bicycle use under the *Highway Traffic Act* (HTA) outlined in chapter 6. s.104 (2.1-2.2), s. 62 (17), chapter 25. s. 218 (1-2);

WHEREAS there are rules governing bicycle use under Oakville By-law number 1962-55 s. 1-7;

WHEREAS information relating to bicycle safety has been circulated to Members of Council in the Council Information package of July 2 - 8, 2009;

WHEREAS there is consistent non-compliance to these rules as evidenced by operators riding bikes without proper equipment including, failing to wear a helmet, absence of a front light or a red reflector light on bike, riding with more than one person on a bike, failing to signal when turning, riding bikes on sidewalks and pathways, riding bikes on piers in harbour areas;

WHEREAS By-law 1962-55 section 2 states that the Chief Constable or any officer designated by him may inspect any bicycle at any time to see that it is in proper condition and properly equipped;

WHEREAS chapter 25. section 218 (1) of the HTA states that a police officer who finds any person contravening this Act or any municipal by-law regulating traffic while in charge of a bicycle may require that person to stop and to provide identification of himself or herself; and

WHEREAS the Town has recently adopted a new Pedestrian Charter which calls for "a safe, walkable community" and bicycles on sidewalks may prove counterintuitive to this goal;

THEREFORE BE IT RESOLVED THAT:

1. Bicycle safety awareness is a priority in the Town of Oakville and the introduction of meaningful by-law controls to augment the provisions of the *Highway Traffic Act* will be supported;

(continued)

2. Staff be requested to strengthen cooperative efforts with the Halton Police Services to ensure enhanced enforcement of the provisions of the *Highway Traffic Act* and municipal by-laws with regard to bicycle safety; and
3. Staff be requested to erect appropriate signage relating to bicycle regulations where required, including areas within the Bronte Village, Downtown Oakville and Kerr Street.

CARRIED

**10. Heritage Oakville Advisory Committee (July 14, 2009)**

Moved by Councillor Lapworth

That the following recommendations pertaining to Items 5a to 5c - Heritage Permit Applications of the Heritage Oakville Advisory Committee meeting of July 14, 2009, be approved and the remainder of the minutes be received:

5a. Heritage Permit Application HP21/09-42.40D  
2431 Dundas Street West - Interior Renovations

1. That Heritage Permit Application HP 21/09-42.20D, as submitted by Trafalgar Township Historical Society, the current tenants of the building which is owned by the Town of Oakville, for interior renovations at 2431 Dundas Street West, be approved subject to approval by the owner of the property; and
2. That this heritage permit expire two years from the date of final approval by Council.

5b. Heritage Permit Application HP22/09-42.20T  
53 Thomas Street - Exterior Painting

1. That Heritage Permit Application HP 22/09-42.20T, as submitted by owners Chris and Jocelyn Coderre for exterior painting at 53 Thomas Street, be approved; and
2. That this heritage permit expire two years from the date of final approval by Council.

5c. Heritage Permit Application HP23/09-42.20T  
344 Trafalgar Road - New Fence

1. That Heritage Permit Application HP23/09-42.20T, as submitted by owner Pamela Snively for a new fence at 344 Trafalgar Road, be approved; and
2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

**CLOSED SESSION**

Moved by Councillor Duddeck

That the Committee resolve into a closed meeting session for the purpose of receiving advice that subject to solicitor-client privilege pertaining to Item 5, and litigation or potential litigation pertaining to Items C-1 and C-1a.

CARRIED

*The meeting recessed at 7:00 p.m. and reconvened at 7:05 p.m.*

Committee resolved into closed session at 7:05 p.m.

Committee resolved back into open session at 7:47 p.m.

**5. Application to Demolish a Registered Heritage Property  
104 Robinson Street**

**- Report from Planning Services, July 9, 2009**

Moved by Councillor Duddeck

1. That the staff report dated July 9, 2009, concerning the application to demolish the house at 104 Robinson Street, a heritage property listed on the Register of Properties of Cultural Heritage Value or Interest, be received; and
2. That prior to any demolition, a full photo record of the exterior and interior of the heritage building located at 104 Robinson Street be required along with historical documentation of the building before and during demolition, and that the building be advertised for re-location and salvage in the local newspaper to the satisfaction of the Manager of Heritage Planning.

CARRIED

**C-1. Assessment Appeal - Glen Abbey Golf Course**

**- Confidential Report from Legal Department, July 7, 2009**

**C-1a. Supplemental Report - Assessment Appeal - Glen Abbey  
Golf Course**

**- Confidential Report from Legal Department, August 4, 2009**

Moved by Councillor Duddeck

That the confidential report from the Legal Department, dated July 7, 2009, and confidential supplemental report from the Legal Department dated August 4, 2009, be received.

CARRIED

**RISE AND REPORT TO COUNCIL**

Moved by Councillor Grant

That this Committee rise and report.

CARRIED

The Mayor arose and reported that the Committee of the Whole has met and made recommendations on Consent Items 1 and 2, Discussion Items 3 to 9, Confidential Discussion Items C-1 and C-1a, and Advisory Committee Minutes, Item 10, as noted by the Clerk.

Moved by Councillor Knoll

Seconded by Councillor Chapin

That the report and recommendations of the Committee of the Whole be approved.

CARRIED

**REGIONAL REPORTS AND QUESTION PERIOD REGARDING TOWN BOARDS AND ADVISORY COMMITTEES**

Councillor Lapworth reported that Oakville Public Library staff were preparing the library for 'back to school' week and the Library Board and administrative staff were working on the 2010-2012 budget.

**REQUESTS FOR REPORTS**

Moved by Councillor Johnston

Seconded by Councillor Robinson

That the Planning Services Department be requested to review the definition and regulations pertaining to Bed and Breakfast establishments to determine if (or how) such uses could be accommodated/permitted within semi-detached dwellings, and review licence fees, and report back to Council by November 16, 2009.

CARRIED

**CONSIDERATION AND READING OF BY-LAWS**

Moved by Councillor Knoll

Seconded by Councillor Duddeck

That the following by-law(s) be passed:

- |          |  |
|----------|--|
| 2009-047 | A by-law to assume Registered Plan 20M-931. (Re: Item 2)   |
| 2009-118 | A by-law to establish development charges generally for the Corporation of the Town of Oakville. (Re: Item 3)  |
| 2009-119 | A by-law to a by-law to establish development charges with respect to roads (and related infrastructure) for the Corporation of the Town of Oakville. (Re: Item 3) |

(continued)



2009-123     A by-law to declare that certain land is not subject to part lot control – (Blocks 48, 53, 54, 55 and 56, Plan 20M-1052 – Bronte Creek Community Limited).

2009-125     A by-law to confirm the proceedings of a meeting of Council.

CARRIED

**ADJOURNMENT**

The Mayor adjourned the meeting at 7:53 p.m.

---

ROB BURTON  
MAYOR

---

VICKI TYTANECK  
ASSISTANT CLERK