



Council Memorandum

Date: January 28, 2020

To: Council

From: Mayor Andy Letham

Re: Motion to Reconsider – Proposed Sale of A Portion of Municipally Owned Land Adjacent to Elgin Park, Lindsay

Recommendation

Motion to Reconsider/Rescind

That, Council reconsider motion CW2019-160 adopted on February 19, 2019 regarding the sale of a portion of the City-owned property known as Elgin Park and legally described as Lots 5 – 7, Lots 9 – 13, Block O on Plan 1, Part of Lot 8, 14, Block O on Plan 1 As In TL31341 Except R278226, in the Geographic Town of Lindsay.

Motion Adopted February 19, 2019 to be Reconsidered/Rescinded

CR2019-160

Moved By Councillor Dunn

Seconded By Councillor Richardson

That a portion of the City-owned property known as Elgin Park and legally described as Lots 5 – 7, Lots 9 – 13, Block O on Plan 1, Part of Lot 8, 14, Block O on Plan 1 As In TL31341 Except R278226, in the Geographic Town of Lindsay, City of Kawartha Lakes, be declared surplus to municipal needs;

That the subject property be placed on the open market, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;



That a by-law (with any amendments deemed necessary) to authorize its disposition shall be passed; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the

Proposed New Main Motion

That a portion of the City-owned property known as Elgin Park and legally described as Lots 5 – 7, Lots 9 – 13, Block O on Plan 1, Part of Lot 8, 14, Block O on Plan 1 As In TL31341 Except R278226, in the Geographic Town of Lindsay, City of Kawartha Lakes, be declared surplus to municipal needs;

That a direct sale to two area landowners be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That a by-law (with any amendments deemed necessary) to authorize its disposition shall be passed; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the conveyance of the lands.

Rationale

It has been brought to the City's attention that additional information is forthcoming and may warrant a proposed reconsideration, in order for the subject property to be offered for direct sale to the two area businesses. The interested purchasers will be attending the January 28, 2020 Council Meeting to provide relevant information. "Request to Speak Before Council" forms submitted by Luke Woud and Paul Cross are attached to this memo outlining their position.

To alter or amend a decision of Council, would require a Motion to Reconsider. The process in accordance with the Procedural By-law in as follows:

Motions to Reconsider: The motion to reconsider can, with certain exceptions, be applied to a vote that was either affirmative or negative, within a limited time after that vote, and it proposes no specific change in a decision but simply proposes that the original question be reopened. The purpose of reconsidering a vote is to permit correction of hasty,



ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.

A motion to reconsider can be made only by a member who voted with the prevailing side.

A motion to reconsider can be made only on the same day the vote to be reconsidered was taken.

Without previous notice of motion, the motion to rescind requires a two-thirds vote. This provision cannot be waived. Notice is considered given through the Published Agenda where the item appears and therefore does not require 2/3 vote.

Motion to Rescind: A motion to rescind a Motion previously adopted by the Assembly may be carried to cease the force and effect of a previously adopted motion.

A motion to rescind shall be used to cease the force and effect of a previously adopted motion when the Assembly has confirmed the proceedings of the meeting at which the motion that is to be rescinded was adopted.

A motion to rescind can be moved by a member on the prevailing side at any time or by any member, regardless of how the member voted on the original question following a 365-day waiting period.

Motions cannot be rescinded when the action within the motion to be rescinded has been completed making that action impossible to undo.



Deputation Request - Luke Woud.pdf



Deputation Request - Paul Cross.pdf