

Minutes - The Blue Mountains Council Meeting



MEETING DATE: January 11, 2010

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Stephen Keast, Clerk

A. Call to Order

- Mayor Anderson called the meeting to order with all members in attendance.
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Financial and Information Services Rob Cummings Deputy Treasurer Liz Thompson, Manager of Revenue Ruth Prince, Director of Engineering and Public Works Reg Russwurm, Manager of Water and Wastewater Services John Caswell, Director of Special Projects (Sustainability) Peter Tollefsen, Library CEO Carol Cooley, Director of Planning and Building David Finbow, Planner Cindy Welsh, Planner Shawn Postma and Planner Bryan Pearce.

- Council then paused for a moment of Personal Prayer or Reflection.

- Approval of Agenda:

Moved by: Cameron Kennedy Seconded by: John McKean

THAT the Agenda of January 11, 2010 be approved as circulated, including any items added to the Agenda, and as to the amendment in the order of the items on the Agenda, unanimously Carried.

The Clerk then noted Deputation B.3, Nottawasaga Valley Conservation Authority was deferred to February 8, 2010.

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Mayor Anderson with regard to Agenda item G.2, Accounts and cheques payable to her father, Councillor Kennedy with regard to Agenda item G.2, Accounts and cheques payable to his daughter and Councillor McKean with regard to Agenda item G.2, Accounts and cheques payable to his place of employment.
- Adoption of Consent Agenda

Moved by: R.J. Gamble Seconded by: Cameron Kennedy

THAT the Consent Agenda of January 11, 2010 be adopted as circulated, less any items requested for separate review and discussion, being the Finance and Administration Committee Report of December 15, 2009, Carried.

NOTE: Mayor Anderson and Councillors Kennedy and McKean had earlier declared a pecuniary interest with regard to Agenda item G.2, Accounts and they did not take part in related discussion or voting.

Previous Minutes

Moved by: John McGee Seconded by: Cameron Kennedy

THAT the Council minutes of December 14, 2009 be adopted as circulated, including any revisions to be made, unanimously Carried.

There was no business arising from the minutes at that time.

B. Deputations/Presentations

B.1 PUBLIC MEETING – Official Plan Amendment 19 – Policies for community improvement and contaminated sites within The Blue Mountains Official Plan

Mayor Anderson then explained the purpose of this Amendment is to establish policies for community improvement and contaminated sites within the Town of The Blue Mountains Official Plan.

Ellen further noted the policies of this Amendment are general in nature and apply to the entire Town of The Blue Mountains. A key map has not been provided due to the broad scope of the Official Plan Amendment.

Ellen then noted this Amendment is based on the need to make revisions to a number of The Blue Mountains' Official Plan policies that will allow the Town to;

- a) Prepare a more comprehensive, effective and flexible Community Improvement Plan; and
- b) Ensure it is exercising an appropriate level of environmental due diligence as part of its planning review function.

Ellen then noted the policies on Community Improvement in Section 10 of the Town Official Plan are revised to:

- a) Include proper terminology throughout;
- b) Include a sub-section on the goals and objectives of community improvement;
- c) Expand the criteria for the designation of a community improvement project area;
- d) More clearly specify the priority for designation of community improvement project areas and preparation of community improvement plans;
- e) Directly reference the Town's ability to offer grants and loans to owners and their assignees; and
- f) Specify the types of activities that can be undertaken by the Town to encourage community improvement.

Ellen then explained Policies are included in a new Section 11 called Potentially Contaminated Sites that address the identification of potentially contaminated sites through the planning application process that allow the Town to require verification that a site is environmentally suitable or has been made environmentally suitable for the proposed use.

Ellen finally noted an amendment to the Holding Zone policies is required to introduce the new Potentially Contaminated sites policies to the holding zone provisions.

Ellen then noted if a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of The Blue Mountains before the proposed Official Plan Amendment is adopted, the person or public body is not entitled to appeal the decision of Town Council to the Ontario Municipal Board; and may not be added as a party to the Hearing of an appeal before the Ontario Municipal Board, unless in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

The Clerk then noted notice of the Public Meeting was given in accordance with the provisions of the *Planning Act* and noted correspondence received from the Niagara Escarpment Commission and the Grey County Planning and Development Department.

Director of Special Projects (Sustainability) Peter Tollefsen then reviewed the proposed Amendment, noting it would add a new Section 10 to the Official Plan that would allow establishment of community improvement project areas.

Peter further noted the Amendment would add a new section that would address development of brownfield sites and contaminated and potentially contaminated sites. Peter then noted regarding contamination of sites, the proponent can be required to document previous uses of a property and this would be included in revised Planning Application Forms.

Deputy Mayor McKinlay then questioned how an area of worry would be defined, Peter replying the Applicant will have to show due diligence with regard to the assessment of a site.

Duncan then noted the process sounds like a valid tool, questioning if an assessment would be required if the actual land use was not going to change, for example agriculture to agriculture, orchard to vineyard.

Peter then noted the policies use wording such “The municipality may require” and criteria would be more rigorous depending on the future land use, for example residential. Peter further noted the studies to be required would be to the satisfaction of the Town.

Duncan then questioned if a severance of 100 acres into two fifty acre parcels would require an assessment of all previous land uses, Peter replying the Town would not want to get too onerous where not required.

Duncan then noted the Ministry of Environment had previously requested any evidence of any former landfill areas and once identified, similar studies are required within a buffer area.

Councillor McKean then noted most small hamlets had a garage or gas station and we could be two or three owners past the previous use and the current owner may not be aware of previous uses.

Peter then noted Staff will explore experience from other municipalities and will report back.

Duncan then questioned if there would be a way for an Applicant to access database information that would address what would or would not be required and if no risk was indicated then the matter was dealt with, Peter replying hopefully the MOE would have criteria through the Environmental Impact Study process that would where there may not be any hazard.

As no-one further wished to speak Mayor Anderson declared the Public Meeting to be adjourned.

B.2 PUBLIC MEETING – Expansion of existing building (Mac's/LCBO - “Pinery Plaza”) and construction of a new, two storey mixed use building, part Lot 23, Concession 3, 209554 Highway 26.

Mayor Anderson then explained the effect of this By-law is to rezone the property from the General Commercial C1-31 zone which permits the lands to only be used for retail stores, banks and financial institutes, service commercial uses, personal service commercial uses, business and professional offices, equipment sales and rental,

commercial schools, eating establishments and taverns and uses, buildings and structures accessory thereto.

Ellen further noted Exception 31 also states that no enlargement of the existing building is permitted without an amendment to the By-law. It is proposed that the lands be rezoned to the General Commercial C1 zone which permits a much wider range of commercial uses, and to also recognize a two deficiencies under the C1 zone requirements including the continuation of the existing reduced rear yard setback (7 metres to 2.7 metres) and reduced parking standard (53 spaces to 47 spaces). It is also proposed that the Holding 'h' symbol be used to ensure Site Plan Approval.

Ellen then noted an application for Site Plan Approval has not been submitted at this time, adding a Planning Justification Report and a Traffic Impact Study have been submitted in support of this application.

Ellen further noted the subject lands of this By-law are legally described as Part Lot 23, Concession 3 and are locally described as 209554 Highway 26; Town of The Blue Mountains.

Ellen then noted if a person or public body does not make oral or written submissions at a public meeting to the Town of The Blue Mountains in respect of the proposed Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of Town Council to the Ontario Municipal Board; and may not be added as a party to the Hearing of an appeal before the Ontario Municipal Board.

The Clerk then noted notice of the Public Meeting was given in accordance with the provisions of the *Planning Act*.

Councillor Martin then spoke in his role as Planning and Building Committee Chair, reporting the Applicant has requested the matter be deferred at this time for a later scheduling as requested by some residents, adding correspondence from area resident Lester Posen, Blue Mountain Ratepayers Association President Michael Seguin and the Niagara Escarpment Commission shown as Correspondence Items C.3, 4 and 5 can be received at this time.

David then noted the Applicant had requested deferral at this time and it would be the decision of Council as to how to proceed.

Planning Consultant David Slade then spoke on behalf of the Applicant, noting it was important that area resident requests for re-circulation and re-scheduling be acknowledged as well as a request from the Ministry of Transportation for additional information and the matter could be deferred or the presentation could proceed, as Council wished.

Mayor Anderson then asked if any member of the public wished to speak to the matter prior to Council considering adjournment of the matter to a later date.

Blue Mountain Ratepayers Association President Michael Seguin then questioned if members of the public would retain the right to appeal to the Ontario Municipal Board following any adjournment, Councillor Martin replying yes.

Michael then asked if the matter would be debated again, Mayor Anderson clarifying a second Public Meeting would be scheduled.

Councillor Martin then noted no other members of the public were in attendance and proposed the Public Meeting be adjourned to a later date to be determined.

Mayor Anderson then declared the Public Meeting to be adjourned to a date and time to be determined.

B.3 Wayne Wilson, CAO, Chris Hibbard, Director of Planning, Nottawasaga Valley Conservation Authority - Municipal Streamlining Partnership Agreement

Deputation B.3 was deferred to February 8, 2010

B.4 Mike Ballard, Hidden Lake Road and James Street Camperdown Water Charges (Petition provided to Council following December 14, 2009 Public Meeting)

Mike Ballard and David Creech representing a group of Hidden Lake Road and James Street residents were then in attendance regarding proposed Camperdown water capital charges.

David then first questioned if the Town was in fact legally obligated to make payments to the Camperdown Developer Group in 2010 versus only to make best efforts towards cost recovery. David noted that contrary to a previous Staff Report, it is believed there is no obligation to collect payments in 2010 for repayment to the developers.

CAO Paul Graham recounted previous agreements with Lora Bay and Camperdown developers which detailed collecting payment for capital costs from benefitting landowners. Paul then noted "best efforts" has been interpreted in law as leaving no stone unturned. Paul further noted Council previously considered affordability guidelines when considering repayment conditions, used as recently as July, 2009 in determining repayment schedules for the Lora Bay reservoir, adding a previously constructed Thornbury reservoir had been billed to Thornbury residents.

Paul then noted the question is what is the Town's obligation, Staff believing the affordability guidelines have established a fairness issue for previous capital projects and repayment schedules.

Mike then noted the previously submitted Petition now had an additional 22 residents in support of the positions noted.

Mike then spoke to fire flows and noted support for a Staff Report addressing the matter, asking the residents be advised when the hydrants might be installed and which properties would be identified as benefiting from hydrant locations.

Mike then spoke to By-law implementation, noting the residents had no objection to Council enacting the By-law in 2010 but requested payments not start until January 1, 2011.

Rob then spoke, noting it was anticipated hydrants would be installed in June/July of 2010 and affected properties are identified in the Staff Report to be considered this evening. Rob clarified the hydrant project would be considered by the Infrastructure and Recreation Committee for recommendation to Council, Deputy Mayor McKinlay noting another project may have to be reconsidered and it will not be a light decision.

Mike then questioned if the hydrant project was deferred, would Council defer any fire protection related assessment.

David Creech then spoke to the capital water charge repayment timeframe, noting the Petition requested a 20 year period and Staff originally recommended four with the Finance and Administration Committee recommending six years. David then requested the residents be considered and consideration be given to a ten to 20 year period.

Councillor Gamble then noted a few years ago Council began to consider collecting based on best efforts which was then a few years after expenditures and the Town may be considered in default in terms of repayment if it does not proceed.

Rob then reviewed the individual recommendations contained in Recommendation No. 3 of the December 15, 2009 Finance and Administration Committee Report.

Council then dealt with the following Resolutions:

Moved by: Cameron Kennedy Seconded by: John McGee

THAT the questions contained in Recommendation No. 3 of the December 15, 2009 Finance and Administration Committee Report be separated for review and discussion, unanimously Carried.

Moved by: John McGee Seconded by: John McKean

THAT Council direct Staff as to the methodology to use to calculate the rate for each By-law, that being a unit is a unit.

In speaking to the Motion, Deputy Mayor McKinlay recounted consideration of alternative methodologies and inequities in using assessment information and unavailable information regarding number of washrooms and there did not seem to be any better approach than a unit is a unit.

Councillor McGee then noted part of the Committee debate included consideration of property assessment as used in the tax structure which is essentially a redistribution of wealth and servicing consideration is based on consumption and the other options were not analogous to usage and he supported the unit is a unit methodology.

Councillor Kennedy then noted appreciation to Staff for providing options but in the end, a unit is a unit appears the best.

Mayor Anderson then thanked Staff for their work on the matter, agreeing a unit is a unit appears the best option.

Council then voted on the Resolution, unanimously Carried.

Rob then reviewed various payment options, noting Staff reviewed the options with the Committee and the Committee recommended 20 years for wastewater repayment and 6 years for water repayment.

Moved by: R.J. Gamble Seconded by: Cameron Kennedy

THAT Council direct Staff as to the length or repayment period for each By-law, that being six years for water and twenty years for wastewater.

In speaking to the Motion, Deputy Mayor McKinlay questioned the total servicing project cost, Rob approximately \$1.5 million for water, Duncan noting that would represent repayment of about \$400,000 per year over four years, \$200,000 over eight, as an example of the magnitude of the amount.. Duncan then noted the sewer cost is approximately \$10 million, Rob replying yes.

CAO Paul Graham then noted there are two aspects to the debt, being the Town portion of \$1.6 million with the balance carried by the developer group. Paul further noted the Town portion is the additional costs associated with the Drexler contract.

THAT Council receive Staff Report FIS.10.02 “2010 Proposed Budget Update” for information purposes, unanimously Carried.

D.5 Organics Processing Feasibility Study, EPW.10.002

Moved by: DE.R. McKinlay Seconded by: R.J. Gamble

THAT Council receive Report EPW.10.002 entitled Organics Processing Feasibility Study; and,

THAT Council approve the proposed 2010 Organics Processing Feasibility Study budget for \$145,700.00;

AND THAT Council approve the award of Composting and Operations Business Case Development to 2cg Inc. for the amount of \$54,915.00, excluding GST.

THAT Council authorize the CAO and Clerk to execute the Agreement for contract services related to TBM 2009-74.

In speaking to the Motion, Councillor Gamble questioned if the consultant cost was the lowest tender, Reg reporting technical qualifications and fees are both considered but in this instance the selected consultant was the lowest fee.

Councillor Kennedy then questioned spending \$100,000 to review composting.

Council then voted on the Resolution, Carried.

D.6 Building Code Act Qualifications & Appointment By-law, SRB.10.01

Moved by: John McGee Seconded by: John McKean

THAT Council receive Staff Report SRB.10.01 for information purposes respecting the updating of qualifications as listed in Schedule “A”, unanimously Carried

D.7 Building Permit Activity Report – Year End 2009, SRB.10.02

Moved by: John McGee Seconded by: Cameron Kennedy

THAT Council receive Staff Report SRB.10.02 for information purposes respecting Building Permit Activity – Year End 2009.

In speaking to the Motion, Councillor Gamble noted the shortfall in revenues is a reflection of economic activity and it will be difficult to recoup the revenue.

Councillor McGee then requested at the next Finance and Administration Committee meeting a Report be brought forth addressing the revenue situation and any previous surplus funds, David noting a Report had previously been produced going back to 2000.

Council then voted on the Resolution, unanimously Carried.

D.8 Application for Consent File No. B24-2009 John (Jack) and Naomi Vail, Part Lot 23, Concession 10, Town of The Blue Mountains, PL.10.01

Moved by: Michael Martin Seconded by: D.R. McKinlay

THAT this Council does now adjourn at 10:25 p.m. to meet again January 25, 2010, 7:00 pm, L.E. Shore Library, or at the call of the Chair, unanimously Carried.

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Ellen Anderson, Mayor

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Stephen Keast, Clerk