

Minutes - The Blue Mountains Council Meeting



MEETING DATE: January 26, 2009

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 Engineering and Public Works Reg Russwurm, Director of Planning Peter Tollefsen, Director of Finance Rob Cummings, Director of Building and By-Law Enforcement David Finbow, Deputy Treasurer Elizabeth Thompson, Capital Accountant Darcy Chapman, Director of Recreation Shawn Everitt, Manager of Water & Wastewater John Caswell, Manager of Human Resources Tracey McKenna, Fire Chief Ron Doherty and Chief Librarian Carol Cooley

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

- Approval of Agenda:

Moved by: Cameron Kennedy Seconded by: John McGee

THAT the Agenda of January 26, 2009 be approved as circulated, including any items added to the Agenda, Carried.

- The Clerk then noted consideration of a matter regarding the Peaks Bay development temporary access would be considered as an Addition to the Agenda
- No member declared a pecuniary interest with any matter as listed on the Agenda, save Councillor Kennedy with respect to Agenda item G.2 and a cheque made payable to his daughter and Councillor Martin with respect to the Peaks Bay development and occasional employment of his spouse.

- Adoption of Consent Agenda

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

THAT the Consent Agenda of January 26, 2009 be adopted as circulated, less any items requested for separate review and discussion, Carried.

- Previous Minutes

Moved by: John McKean Seconded by: R.J. Gamble

THAT the Council minutes of January 12 and Special Meeting minutes of January 7 and Planning Council minutes of January 19, 2009 be adopted as circulated, including any revisions to be made, Carried.

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

B. Deputations/Presentations

B.1 7:05 pm – PUBLIC MEETING – 2009 Proposed Budget

Mayor Anderson then called the scheduled Public Meeting to order and explained a Statutory Meeting to review the Budget estimates will be held at the regularly scheduled Council meeting on January 26, 2009 at the L.E. Shore Memorial Library, 183 Bruce Street South, Thornbury. Ellen further noted that any person may attend the Public Meeting and / or make written or verbal representation regarding the 2009 Draft Budget.

Ellen noted Notice is hereby given that the Council of The Corporation of the Town of The Blue Mountains, at its regularly scheduled Council Meeting of February 9, 2009 intends to adopt the Estimated Revenues and Expenditures for all departments of the Town for the year 2009.

Director of Financial Services Rob Cummings then reviewed the 2009 Budget process to date.

Mayor Anderson then asked if anyone wished to speak to the proposed 2009 Budget.

Michael Seguin of the Blue Mountain Ratepayers Association (BMRA), Peel Street, then spoke to the Budget.

Michael first commended Council and Staff on work to date in preparation of the Budget.

Michael then noted BMRA members have indicated it was not time to be hiring new Staff and the responsible thing to do would be to maintain the status quo financially.

Michael then made reference to the 24.9 million capital budget proposed for 2009, \$3.3 million for Administration and 80% for the Town Hall, and \$3.8 million to expand the Thornbury Sewage Treatment Plant to service new development.

Michael then noted there may be little or no growth and development in 2009 and questioned \$1.1 million from taxation and \$1.1 million from sewer user fees for the projects.

Michael then noted if the projects did not proceed the proposed amounts in the Budget should be eliminated.

Michael then questioned substantial reserves existing and proposed and noted Federal funding was now committed for infrastructure projects.

Michael then noted although needed, it was not time to build the new Town Hall project at present given the hardship faced by taxpayers.

Michael then applauded Councillor Gamble for opposition to the proposed Budget.

Michael then noted the overall Town Hall project was too expensive even given the reduction in construction costs.

Michael then questioned the proposed water rates that included a fixed charge with no charge for the first 5m³ which appears to target weekend residents who are lower users.

Michael then noted everyone realizes revenues are reduced and certain requirements are recognized, but 52% of Town residents are retirees and requested Council consider deferral of the Town Hall project until after the next municipal election.

Michael then requested Council consider a reduced Budget.

Terry Thompson of Georgian View Estates Ratepayers then spoke, noting correspondence had been previously forwarded to Council, the Clerk noting correspondence items are being forwarded to Council and Staff as they are received.

Mr. Thompson then noted the recession is impacting all residents, particularly retirees living on their investments.

Mr. Thompson then noted actual year upon year taxation increases since 2001 and requested Council not consider any Budget increase in 2009.

Mr. Thompson then requested Council consider two Budgets, one with a 0% increase and another with a 5% reduction.

Mr. Thompson noted an almost 5% increase is very difficult for taxpayers to face and taxpayers would accept a reduction in services rather than face an increase in taxes.

Mr. Thompson then requested Council take an overview of the Budget and direct Staff that a reduction be considered.

Bill Abbotts then spoke, noting his taxes have increased 50% and would have had a significant impact if he had not appealed his assessment.

Bill then spoke in support of the 0% and 5% Budget proposal, adding his taxes and utilities represent 10% of his annual income.

Bill then noted the Town's taxation rate over time graph suggested taxes went down after 2001 and they in fact did not.

Mr. Thompson then reviewed his review of the taxation rate increase over time which showed the cumulative increase impact over time rather than increase by year.

Deputy Mayor McKinlay then noted he wanted to hear what residents had to say regarding the Budget, adding there may be benefit to the local economy in considering construction projects.

Councillor Martin then clarified Councillor Gamble had not voted against the Budget as it had not yet been considered by Council.

Fred Barnes then spoke, noting his assessment had increased by 44% and utility bills have increased as well.

Mr. Barnes then noted taxes had increased 140% since 2001.

Duncan then spoke, noting the recently proposed utility billing change should not impact his utility bill, adding the change was based on increased participation in the billing process by low-volume users to re-coup costs in providing the water treatment and distribution system for those who needed water from time to time.

Duncan then noted policing and other costs and downloading over time since 2001 have increased costs of operation to the municipality.

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

C. Correspondence as previously circulated

Councillor Martin then spoke to correspondence from Clearview Township and the 2009 Nottawasaga Valley Conservation Authority Budget, noting Resolutions are of no effect unless the Budget is appealed to the OMB.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: John McKean

THAT this Council does hereby receive the Correspondence of January 26, 2009 and further does support the Staff Recommendation made with regard to the Correspondence items, including any additional direction given to Staff through discussion, with an appropriate Staff action or response awaited for report back to Committee or Council where indicated, Carried.

D. Motions and Staff Reports

D.1 Ministry of Transportation Expropriation – Hwy 26, A.08.08 (Rev)

The Clerk then reviewed the Report, noting the Ministry property appraisal was based on a land valuation of \$2,000.00 per acre and a highest and best use of the land to continue as a public trail, the MTO proposal essentially transposing existing portions of road and trail.

Councillor Gamble then spoke, noting it appears that the status of the requested parking lot is in question, the Clerk replying one resident had forwarded correspondence in opposition to a parking area and MTO had not yet been made aware of the request.

Deputy Mayor McKinlay then spoke, noting support for parking for a few vehicles at any Trail point where land is available, Council concurring the matter of the parking area then further reviewed with the Ministry and Town Engineering and Public Works Staff.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: D.R. McKinlay

THAT Staff review a proposed parking area in conjunction with the proposed Peel Street and Georgian Trail realignment with the Ministry of Transportation and further that Engineering and Public Works Staff review a proposed parking area, unanimous, Carried.

D.2 Thornbury Medical Clinic Grant Application, CAO.09.01

CAO Paul Graham then reviewed the Report, noting the North East Grey Health Clinic Inc. is making application for grant funding and the Town would be a co-signatory.

Councillor McGee then questioned if the Town would realize any other obligations, Paul noting the only commitment the Town has made is to provide land.

Deputy Mayor McKinlay then requested clarification on the proposed Clinic staffing, Paul noting the Clinic was still targeting housing of six doctors with expansion available for 12.

Council then dealt with the following Resolution:

Moved by: D.R. McKinlay Seconded by: Cameron Kennedy

THAT Council authorize Town of The Blue Mountains to become a co-applicant with Meaford, Grey Bruce Health Services, Meaford Hospital Foundation and North East Grey Health Clinics Inc. for a Rural Economic Development Grant from the Minister of Agriculture, for the purposes of financing, constructing and operating two non-profit municipal health care centres, one to be located in Thornbury and the other in Meaford and;

THAT Council authorize the Chief Administrative Officer to sign the grant application on behalf of The Blue Mountains, unanimous, Carried.

D.3 Direction to Undertake a Review and/or Study of the Appropriate Location of Adult Entertainment Facilities and the Appropriate Location of Drive-Throughs and the Associated Land Use Issues

Director of Planning Peter Tollefsen then reviewed the Recommendation as well as minor revisions in wording to reflect consistency with the proposed By-Law, revised to speak to prohibition and/or regulation rather than appropriate location of the subject uses.

Councillor Gamble then questioned if the study would be completed in-house by Town Staff, Peter replying yes, with Zoning By-law discussion papers having been previously completed and circulated on the topics.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: Cameron Kennedy

WHEREAS the Council of The Corporation of the Town of The Blue Mountains is desirous of having a review or study be completed with respect to the prohibition and/or regulation of adult entertainment establishments and the land use issues associated therewith;

AND WHEREAS Council is desirous of having a review or study be completed with respect to the prohibition and/or regulation of drive-through facilities and the land use issues associated therewith;

NOW THEREFORE BE IT RESOLVED THAT Town Staff be directed to undertake a review or study with respect to the prohibition and/or regulation of adult entertainment establishments and drive-through facilities and the land use issues associated therewith, Carried.

E. New and Unfinished Business

E.1 Grey County Council Update

Deputy Mayor McKinlay then spoke, noting the County Departmental Budget review will start shortly, the County facing the same financial pressures that Town Council is facing.

Councillor Gamble then spoke, noting the Channel 28 Breakfast TV show will be live from Blue Mountain Resort on February 6, an impressive feature in the Town and County.

Mayor Anderson then spoke, noting she spoke together with Maude Barlow of the Council for Canadians on Friday, January 23 regarding water conservation.

E.2 Notice of Motion

E.2.1 Planning and Recreation Committee Consideration

Councillor Martin then reviewed the two Motions, firstly dissolving the Recreation Committee and the second establishing a Planning Committee that would report to Council.

Michael noted the Motion represented a further consolidation of the Committee structure, with greater public access at the Committee level and Committee Meetings could be scheduled as needed.

Michael further noted the Committee could meet during the day or evening as required.

Michael further noted the current Recreation Committee members would be invited to participate as an advisory body to the Director of Recreation.

Deputy Mayor McKinlay then requested separation of the questions in the Notice of Motion.

Mayor Anderson then asked if there was any discussion on the proposed Motion.

Councillor Kennedy then questioned what the name of the new Committee would be, Michael replying Planning Committee.

Councillor McGee then proposed the Recreation / Engineering & Public Works discussion be included in the first Motion to address related matters of proposed Committee function.

CAO Paul Graham then suggested renaming the Engineering and Public Works Committee to better reflect its new role if the Motions were passed, which could be done this evening or at a later date.

Councillor Gamble then questioned when the proposed Committee would meet, Michael replying it would be up to the Committee to determine.

Bob then questioned if all seven Council members would have voting privileges, Michael replying if in attendance, yes.

e) That the rules of procedure be the same as those of Council with necessary modifications required for Committee deliberations and as may be required by the Planning Act.

In speaking to the Motion, Councillor McGee questioned section b) of the Motion and if all seven members would vote, Councillor Martin replying yes, seven members being on the Committee.

Duncan then noted a quorum was to be three and questioned if a meeting would proceed if only two designated members and two other members were in attendance, Michael replying yes, the proposal having a greater chance a meeting would proceed.

Duncan then noted this would be similar to the Planning Committee at Grey County where in attending various Public Meetings, the Committee has delegated a Committee quorum to the Director and Committee Chair.

Council then voted on the Resolution, Carried.

Moved by: D.R. McKinlay Seconded by: John McKean

WHEREAS the Recreation Committee was dissolved by Council; and

WHEREAS several members of the Committee were appointed members by Council and not elected Councillors;

NOW THEREFORE Council hereby is pleased to thank and express its appreciation to the members of the Committee for all their efforts, time and interest in acting as committee members in the interests of the Town for the provision of recreation and related facilities; and

THAT the appointed members are hereby invited to consider acting as an advisory committee to the Director of Recreation concerning the Town's recreation facilities and related future recreation plans and programs, unanimous, Carried.

Recreation Committee Chair John Metras then spoke, noting the former Committee supports the proposed action.

E.3 Additions to Agenda

Closed session item added relating to the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose regarding the Peaks Bay development temporary access.

F. By-laws

F.1 Levy Amounts on the Assessment of Property (Interim Levy By-law)

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

THAT By-law No. 2009 - 08, being a By-law to levy amounts on the assessment of property rateable for local municipality purposes, and to further provide for percentage charge and interest charge in default of payment thereof, be hereby enacted this twenty-sixth day of January, 2009, unanimous Carried.

F.2 Interim Control By-law (Location of Adult Entertainment Establishments and Drive-Throughs)

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

THAT By-law No. 2009 - 09, being a By-law pursuant to Section 38 of the *Planning Act* to place certain lands within the municipality under Interim Control in order for a review or study to be undertaken with respect to the prohibition and/or regulation of adult entertainment establishments and drive-through facilities and the land uses associated therewith, be hereby passed this 26th day of January, 2009, Carried.

Councillor Martin then noted it is at the discretion of the Clerk to call the first meeting of the Planning Committee, Council concurring.

The Clerk then noted the first meeting of the Planning Committee would be Monday, February 2, 2009.

G. Consent Agenda

Accounts

G.1 Accounts

G.2 Invoices separated for pecuniary interest (Maggie Kennedy)

Reports List (Adopt)

G.3 Recreation Committee, January 13, 2009

G.4 Finance and Administration Committee, January 15, 2009

Minutes List (Receive)

None

H. Next Meeting Date(s)

Council February 9, 23, March 9, 23, April 15 (Wed), 27, May 11, 25, 2009

Planning Council February 2, March 2, April 6, May 4, June 1, 2009

All Council meetings to be at the Library unless otherwise noted

Engineering and Public Works Committee, January 27, 2009

Finance and Administration Committee, February 17, 2009

Recreation Committee, February 26, 2009

I. Closed Session

Moved by: John McGee Seconded by: John McKean

THAT with regard to subsection 239(2) of the *Municipal Act, 2001*, this Council do now move into closed session in order to address matters pertaining to personal matters about an identifiable individual, including Town or local board employees;

AND with regard to employee benefits and insurance coverage;

AND with regard to the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;

AND with regard to the Peaks Bay development temporary access.

Also in attendance at that time was of Cowan Insurance and Town solicitor John Metras.

NOTE: Councillor Martin declared a pecuniary interest with respect to the Peaks Bay development and occasional employment of his spouse and retired from the meeting prior to Council moving into closed session.

Further, the Clerk had a pecuniary interest with regard to consideration of employee benefits and insurance coverage and retired from the meeting prior to Council moving into closed session, CAO Paul Graham having been delegated the powers and duties of the Clerk for the purposes of the closed session portion of the meeting and beyond.

Council moved into closed session at 8:40 p.m.
Council rose from closed to public session at 10:19 p.m.

There was then general discussion on the temporary access easement and request by the Ministry of Transportation relating to a revised temporary access easement wherein a final date for construction of the internal road access would be noted.

Council then dealt with the following Resolution:

Moved by: D.R. McKinlay Seconded by: Cameron Kennedy

WHEREAS the Town has given a temporary access easement in a form approved by the Ministry of Transportation-Ontario (the "MTO") to the owners of lands within Registered Plan 16M-23 (the "Plan") and their successors and assigns for access to and from Highway 26 over Town lands for a term of one year together with four one year renewals to be approved by the MTO for no more than 20 residential dwellings;
AND WHEREAS the Town and P.B Holdings Limited, the developer of the Plan, wish to extend the term of the temporary access easement until such time as a public road has been constructed and established to the west of the Plan which will provide for public road access to and from Highway 26 opposite Peaks Road from and to the Plan (the "Road Connection").

AND WHEREAS the MTO has requested the Town to pass this resolution as a condition to the MTO consenting to the revised term of the temporary access easement.

BE IT RESOLVED THAT:

1. The Town shall, insofar as it has legal authority to do so, make its best efforts including the exercise of its expropriation powers, to ensure that land is acquired for the Road Connection, that the Road Connection is constructed and established as a minimum Class 6 gravel public highway by no later than December 31, 2013 and that all costs incurred by the Town for this land acquisition and construction are recovered from those persons developing lands adjacent to the Road Connection as a condition of developing their lands.

2. The Mayor and Clerk are authorized to execute a revised temporary access easement over Town lands in a form approved by the Town Solicitor which will expire when the Road Connection is constructed and established as a public highway.

CARRIED.

J. Confirmation By-law and Adjournment

As there was nothing further before the Chair Council dealt with the following Resolutions:

Moved by: R.J. Gamble Seconded by: John McGee

THAT By-law No. 2009 - 10, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on January 26, 2009, be hereby enacted as passed this twenty-sixth day of January, 2009.

NOTE: Councillor Kennedy had earlier declared a pecuniary interest with respect to Agenda item G.2 and a cheque made payable to his daughter and did not part in discussion or voting related to the Confirmation By-law, Councillor Martin also have earlier declared a pecuniary interest and retired from the meeting.

Moved by: Cameron Kennedy Seconded by: D.R. McKinlay

THAT this Council does now adjourn at 10:22 p.m. to meet again February 9, 2009, 7:00 pm, L.E. Shore Library, or at the call of the Chair.

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Ellen Anderson, Mayor

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Stephen Keast, Clerk