

Minutes - The Blue Mountains Council Meeting



MEETING DATE: January 28, 2008

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Stephen Keast, Clerk

A. Call to Order

- Deputy Mayor McKinlay called the meeting to order with all members in attendance save Mayor Anderson absent due to illness and Councillors McGee and Martin absent due to previous commitments.
- Also in attendance was Chief Administrative Officer Paul Graham, Manager of Water and Waste Water Services John Caswell, Director of Building & By-Law David Finbow, Deputy Treasurer Elizabeth Thompson, Director of Planning Peter Tollefsen and Manager of Solid Waste & Environmental Initiatives Jeffrey Fletcher
- Council then paused for a moment of Personal Prayer or Reflection.
- Approval of Agenda
Moved by: R.J. Gamble Seconded by: John McKean
THAT the Agenda of January 28, 2008 be adopted as circulated, including any items added to the Agenda, Carried.
- No member declared a pecuniary interest with any matter as listed on the Agenda.
- Adoption of Consent Agenda
Moved by: R. J. Gamble Seconded by: Cameron Kennedy
THAT the Consent Agenda of January 28, 2008 be adopted as circulated, Carried.
- Previous Minutes
Moved by: R. J. Gamble Seconded by: John McKean
THAT the Council minutes of January 14, 2008 and Planning Council minutes of January 21, 2008 be adopted as circulated including any revisions to be made, Carried.

B. Deputations/Presentations

7:05 pm – Gary Bochna, Thornbury Self Storage, Marshall Green, solicitor Thornbury Self Storage billboard Replacement Billboard request

Gary Bochna of Thornbury Self-Storage and his solicitor, Marshall Green were in attendance and it was Council's pleasure to hear them regarding a previous request to install a replacement, two sided, third-party billboard sign on the Self Storage property.

Mr. Green then reviewed his summary of events in the matter as dated January 22, 2008.

Councillor Martin then attended the meeting.

Mr. Green then reviewed Director of Building and By-Law, David Finbow's, Supplementary Report prepared January 28, 2008 noting Mr. Bochna had in fact made a Sign Permit Application in 1999.

Mr. Green then stated the Application predated the Sign By-law and what Mr. Bochna could have had at that time is what is now requested.

Mr. Green noted Mr. Bochna had been patient for the past nine years, adding a Court would seek to know why the Application had not been dealt with previously.

Mr. Green further noted Mr. Bochna and himself had worked successfully with the past few Councils and senior staff in considering the Thornbury Self-Storage site and the billboard was an ongoing issue.

Mr. Green proposed it was preferred to have a win-win situation, allowing a replacement two-sided billboard that would be smaller than what is existing now, noting a previous court case in Barrie regarding billboard signage.

Deputy Mayor McKinlay then thanked Mr. Green for his presentation, noting he hoped a negotiated settlement could be reached but litigation was still an issue.

Councillor Martin then questioned if Mr. Green believed he was permitted the new sign based on the Application predating the Sign By-law, Mr. Green replying yes.

Mr. Bochna then thanked David Finbow for discovering the Sign Permit Application, noting his earlier correspondence in 1999 indicated he wished to work with Staff, also noting he made application well in advance of the enactment of the Sign By-Law.

Mr. Green and Mr. Bochna then thanked Council for hearing the matter.

C. Correspondence as previously circulated

Council then dealt with the following Recommendation:

Moved by: John McKean Seconded by: Cameron Kennedy

THAT this Council does hereby receive the Correspondence of January 28, 2008 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

1. 5 Grey Street North - Gary Bochna (Thornbury Self-Storage), SRB.08.02

Moved by: Cameron Kennedy Seconded by: John McKean

THAT Council receive Staff Report No. SRB.08.02 and SRB.08.02 - Supplemental for information purposes, Carried.

2. Green Municipal Fund Approval, EPW.08.03

Moved by: Cameron Kennedy Seconded by: John McKean

THAT Council receive Staff Report EPW.08.03, "Green Municipal Fund Approval" and approve receipt of a grant in the amount of \$253,500.00 after GST rebate, representing 50% of the designated eligible study costs, from the Federation of Canadian Municipalities, being the Trustee of the Green Municipal Fund;

IT BEING NOTED the Town, under the terms of the agreement, will be responsible for contributing 50% of the total eligible study costs, being \$253,000.00 after GST rebate;

AND THAT the Mayor and Clerk be authorized to execute the Green Municipal Fund grant agreement upon the recommendation of the Town's solicitor.

In speaking to the Motion, Councillor Gamble noted a large part of the municipal expenditures would have to be completed anyway, now the Town would receive 50% of the expenditures in grant funding.

Council then voted on the Resolution, Carried.

3. Family Day Family Skate Sponsorship, DOR.08.05

The Clerk then distributed a revised Report noting additional background financial information.

Council then dealt with the following Resolution:

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

THAT this Council sponsor a Family Skate on February 18th at the Beaver Valley Community Centre for Family Day at a cost of \$110.00 ice rental fee, Carried.

4. New Province of Ontario Statutory Holiday "Family Day", CAO.08.02

Chief Administrative Officer, Paul Graham then reviewed a revised Report, noting the original Report stated the Town had no option but to authorize the holiday but in fact Council does have a choice, the Employment Standards Act listing the minimum statutory holidays.

Paul noted he recommended that Council in fact recognize Family Day as a statutory holiday as a preferred employer, Paul noting the Town currently receives 3 days paid holidays that are not statutory for a total of 11, Family Day representing 12.

Paul then noted an impact of approximately \$25,000 on the budget.

Councillor Kennedy then questioned if there was a need for winter maintenance that day because of a large snowfall, Paul replying staff could take lieu time or overtime for working on Family Day.

Council then dealt with the following Resolution:

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

THAT Council endorse closing the municipal offices for the third Monday of February each year to observe a new Province of Ontario Statutory Holiday known as "Family Day".

In speaking to the Motion, Bob questioned if the holiday was withdrawn by the Province, would Family Day then revert to a non-holiday, Paul noted if Family Day was removed as a statutory holiday by the Province then organizations would likely remove it as well.

Council then voted on the Resolution, Carried.

5. Permanent Federal Excise Tax Funding for Municipalities

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

THAT Council of the Town of The Blue Mountains does fully support the permanent sharing of the Federal Excise Tax on gasoline with municipalities so as to assist in the provision of regular, sustainable funding as a permanent source of infrastructure revenue for municipalities;

AND THAT this Resolution be forwarded to the Prime Minister of Canada, the Premier of Ontario, the Hon. Helena Guergis, MP, Jim Wilson, MPP, the Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

In speaking to the Motion, Councillor Martin noted it is addressing only the Federal Excise Tax on gasoline and represents an increase in cost to the consumer, further noting sometimes the revenue is earmarked for services that smaller municipalities do not offer, such as transit.

Council then voted on the Resolution, Carried.

6. FCM Sustainable Communities Conference and Trade Show

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

THAT Council does hereby authorize Mayor Anderson to attend the Federation of Canadian Municipalities Sustainable Communities Conference and Trade Show on February 14 through 16, 2008, at a cost of \$495.00 registration plus usual expenses, Carried.

E. New and Unfinished Business

E.1 Grey County Council Update

Deputy Mayor McKinlay then reported on County Budget preparations and a recent presentation to County Council by a coyote predator expert.

Councillor Gamble then questioned when the County budget impact will be known, Duncan noting there was a special meeting on March 11, 2008 to hear County Committees present their budgets.

E.2 AMO Board of Directors Update

None as Mayor Anderson was absent due to illness.

E.3 Notice of Motion

None

E.4 Additions to Agenda

As an addition to the Agenda, Council then dealt with the following Resolution:

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

THAT as recommended by the Finance and Administration Committee, Council does hereby authorize Staff to proceed with the advertising and hiring of a Financial Analyst for Tangible Capital Assets, on a twelve month contract as identified in the 2008 Proposed Budget, the contract to begin in April 2008, Carried.

Deputy Treasurer Elizabeth Thompson then provided a budget update, distributing replacement binder sheets.

Liz then reviewed the charges and revision to the Corporate Administration budget following the January 24, 2008 Finance and Administration Committee meeting.

Town CAO Paul Graham then reviewed the Community Youth Coalition proposal to increase youth involvement in the community, a budget line in the amount of \$25,000, to be used to develop a youth strategy.

Councillor Martin then noted support for a program to include youth more in the community.

Liz then continued review of the Corporate Administration budget.

Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: John McKean

THAT Council authorize Staff to present the 2008 Proposed Budget, as amended, at a Public Meeting on February 11, 2008, Carried.

F. By-laws

1. Sale and Other Disposition of Land by the Municipality

Moved by: R. J. Gamble Seconded by: Michael Martin

THAT By-law No. 2008-08, being a By-law to adopt Town Policy POL.COR.07.02, "Sale and Other Disposition of Land", be hereby enacted this twenty-eighth day of January, 2008, Carried.

2. Provision of Notice and Manner of Giving Notice to the Public

Moved by: Michael Martin Seconded by: John McKean

THAT By-law No. 2008-09, being a By-law to adopt Town Policy POL.COR.07.03, "Provision of Notice and Manner of Giving Notice to the Public", as revised, be hereby enacted this twenty-eighth day of January, 2008, Carried.

3. Delegation of Powers and Duties by the Municipality

Moved by: R.J. Gamble Seconded by: Michael Martin

THAT By-law No. 2008-10, being a By-law to adopt Town Policy POL.COR.07.04, "Delegation by Council of Powers and Duties", be hereby enacted this twenty-eighth day of January, 2008, Carried.

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest (None)

Reports List (Adopt)

None

Minutes List (Receive)

3. Joint Beaver River Ice Management/Flooding Committee, November 1, 2007
4. Police Services Board, December 19, 2007

Councillor Martin then reviewed the Police Services Board Minutes of December 19, 2007, noting the Town Board should be a member of the Ontario Association of Police Services Board.

Michael then referred to a list of matters to be referred by the Board to the Town CAO for review, including reference to an integrated detachment, Michael noting he believed Council originally contracted for a dedicated staff for The Blue Mountains.

Town CAO Paul Graham then noted he would review the matter for later report, adding the Detachment Inspector position was shared, with a dedicated Sergeant position for the Town.

H. Next Meeting Date(s)

Council February 11, March 10, 26 (Wed), April 14, 28, May 12, 26, 2008
Planning Council February 4, 20 (Wed), March 3, 17, April 7, May 5, 2008
All Council meetings to be at the Library unless otherwise noted

Engineering and Public Works Committee, January 29, 2008
Finance and Administration Committee, February 19, 2008
Recreation Committee, February 14, 2008

I. Closed Session

Council then dealt with the following Resolution:

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

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 litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;

AND WITH REGARD TO a billboard sign request from Thornbury Self-Storage and correspondence from solicitor Marshall Green.

Council moved into closed session at 8:01p.m.
Council rose from closed to public session at 8:33 p.m

Mr. Bochna and Mr. Green then re-attended the meeting after Council rose from closed session.

Councillor Martin then noted Council should address Staff Reports D.1 and D.1 Supplemental.

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT Council receive the Sign By-law Review Committee Report and Recommendation within Staff Report SRB.08.02 on the basis that the Application before the Committee was not a minor variance, Carried.

In speaking to the Motion, Michael noted it was important for Council to recognize and receive the Committee Recommendation on the Application but noting it did not represent a minor variance.

Council then voted on the on the Resolution, Carried.

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT an appropriate exception to the Town Sign By-law be negotiated with the applicant, being 524614 Ontario Limited, for a billboard sign subject to provision of a Release from any litigation or costs concerning the exception.

In speaking to the Motion, Deputy Mayor McKinlay clarified an exception to the By-Law would be negotiated, Michael noting the language could be negotiated to both party's satisfaction.

Councillor Gamble then questioned if an exception could be negotiated in the near future, Director of Building and By-Law Enforcement David Finbow noting he could try to negotiate an agreement in the next two weeks.

Mr. Green then noted he would be pleased to work with David on the matter.

Council then voted on the Resolution, Carried.

J. Confirmation By-law and Adjournment

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

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

THAT By-law No. 2008 - 11, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on January 28, 2008, be hereby enacted as passed this 28th day of January, 2008, Carried.

Moved by: Michael Martin

Seconded by: Cameron Kennedy

THAT this Council does now adjourn at 8:42 p.m. to meet again Monday, February 11, 2008, at 7:00 pm or at the call of the Chair, Carried.

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D. R. McKinlay, Deputy Mayor

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Stephen Keast, Clerk