

Minutes - The Blue Mountains Council Meeting



MEETING DATE: March 23, 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 save Councillor Martin, absent due to vacation and Deputy Mayor McKinlay, absent due to a previous commitment.
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Engineering and Public Works Reg Russwurm, Director of Planning and Building Services David Finbow, Communications & Economic Development Coordinator Lisa Kidd, Deputy Treasurer Elizabeth Thompson, Manager of Revenue Ruth Prince, Capital Accountant Darcy Chapman, Manager of Water & Wastewater Services John Caswell, Chief Librarian Carol Cooley, Fire Chief Ron Doherty and Manager of Purchasing Sherri Adams
- Council then paused for a moment of Personal Prayer or Reflection.
- Approval of Agenda:

Moved by: John McGee Seconded by: John McKean

THAT the Agenda of March 23, 2009 be approved as circulated, including any items added to the Agenda, unanimously Carried.
- No member declared a pecuniary interest with any matter as listed on the Agenda, save Mayor Anderson with respect to to Agenda item G.2 and a cheque payable to her father, Councillor Kennedy with respect to Agenda item G.2 and a cheque made payable to his daughter and Councillor McKean with respect to Agenda item G.2 and a cheque made payable to his place of employment.
- Adoption of Consent Agenda

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

THAT the Consent Agenda of March 23, 2009 be adopted as circulated, save Agenda item G.5, GSCA Source Protection Committee and G.4, March 17, 2009 Finance and Administration Committee Report, requested for separate review and discussion, unanimously Carried.
- Previous Minutes

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

THAT the Council minutes of March 9, 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

7:05 pm – PUBLIC MEETINGS

1. Lora Bay Development Charges

Mayor Anderson then called the first scheduled Public Meeting to order and explained that Council of the Town of the Blue Mountains will hold a public meeting pursuant to *The Development Charges Act, 1997*, regarding proposed development charge rates and policies that will be applied in the Lora Bay Service Area. It is proposed that enactment of a Development Charge By-Law by Council would occur April 15, 2009.

Development Charges are levied against new development, and are a primary source of funding for growth related capital expenditures. Town capital services for this by-law include water and wastewater services.

Town Council is required under *The Development Charges Act, 1997*, to hold at least one public meeting to allow the public the opportunity to review and provide comments on the Lora Bay Service Area Development Charges Background Study, February 2009, related staff reports and the proposed Development Charges By-Law.

The Clerk then noted Notice of the Public Meeting was given in accordance with the Town's Notice Policy.

Capital Accountant Darcy Chapman then reviewed the Lora Bay Service Area Development Charge Background Study and Service Area development.

Darcy noted an amendment was proposed for the Lake Drive Servicing project and distributed the revised Lora Bay Service Area-specific water and sewer development charges.

Darcy noted that the new By-Law will allow collection of front-ended development costs in the Lora Bay Service Area.

Councillor McGee then questioned an exempted area included in the study based on existing development and questioned if charges could be levied against the exempted area if development plans change.

Darcy noted the subject property is exempt because of the topography, adding it was originally included in the Lora Bay Service Area but it cannot be serviced from the Area and it will be picked up in the Thornbury West Service Area.

John then questioned why not move the lands out of the Lora Bay Service Area, Darcy replying the Town-wide By-Law has established 9 Service Areas and the Town-wide By-Law would have to be revised.

Mayor Anderson then asked if anyone wished to speak to the proposed development charges.

Ron Mikulik, 148 Cameron Street then spoke, noting it appeared development charges in the area were being redistributed and existing residents receive no benefit from the new servicing, Darcy noting full development charges are

assessed on new development only, or a portion could be assessed on benefitting costs to the area such as the Lora Bay reservoir.

Ron then noted Cameron Street had existing fire hydrants, Darcy replying there is insufficient fire protection in the area, Director of Engineering and Public Works Reg Russwurm noting that currently, area fire protection does not meet the municipal requirements and the new reservoir provides the required storage.

Ron then questioned if there would be insufficient volume or loss of pressure in the case of fire protection, Reg replying flow and volume are both an issue and the Thornbury water tower is a small tower, with only a certain period of time that fire flow is available.

Ron then questioned if water for fire protection could come from the pump station, Reg noting it would but it would have to be stored somewhere, currently in the Thornbury tower.

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

2. Water and Wastewater Rates

Mayor Anderson then called the second scheduled Public Meeting to order and stated notice is hereby given that a Public Meeting will be held regarding the imposition of a fee or charge for the supply of water and for the use of a sewage system, as authorized under the Municipal Act. The proposed water and wastewater rates will be in effect for the period March through December, 2009.

Ellen further noted Council will receive and consider comments provided by members of the public in writing or in person at the Public Meeting. It is intended that a By-Law to impose fees or charges for the supply of water and for the use of a sewage system will be passed at the Council Meeting of April 15, 2009.

The Clerk then noted Notice of the Public Meeting was given in accordance with the Town's Notice Policy and read correspondence from residents Les Peterdy and Marg Halroyd.

Deputy Treasurer Elizabeth Thompson then noted the major change to the rates was the change in the fixed rate and consumption rates, with no change to the sewage rate, further noting the new rates are proposed from March through December, 2009.

Mayor Anderson then asked if anyone wished to speak to the proposed water and wastewater rates.

Ron Milulik, 148 Cameron Street then spoke, noting the fixed rate increase is ridiculous and represents a significant increase and most municipalities are holding the line on rate increases.

Area resident Gord Skultety then spoke, noting there was a lack of communication and the rates did not actually change, as a free 5m³ has been factored into the price.

Elizabeth then noted it was correct that the increase in the flat rate included the first 5m³ of water per month and if 10 m³ of water was used over a two month billing period there would be no change other than a 1% increase in consumption rate.

Ron then noted that provided you used no more than 5m³ per month, which he did not in his last bill, the rate would increase

Area resident Robert Taylor then spoke, questioning the average cost of sewer and water for the general area, Manager of Revenue Ruth Prince replying based on an average of 180m³ water use per year, the cost would be \$437 for water and \$406 for wastewater for a total annual amount of \$843.

Robert then noted he would pay \$3,136 for sewer and water based on his last bill of \$481 and questioned how the figures were calculated.

Mayor Anderson then spoke, noting perhaps there was an error in the invoice, Robert replying he is charged monthly but the bill is bi-monthly which makes it confusing, adding his average monthly water use is 62m³.

Gord Skultety then noted in 2003 he paid \$214.12 annually, in 2004 he paid \$218.70 and in 2005 he paid \$225, further noting when the municipality first went to a metered rate, the monthly fixed charge went down and the usage rate went up and it now seems to be moving the opposite way, which is opposed to conservation, and the usage rate should be boosted and the fixed rate lowered.

Ron Milulik then questioned the fixed rate increase from \$12 to \$21 and questioned if the increased funding was for purchase or installation of particular infrastructure.

Elizabeth then noted the minimum fixed charge including the first 5.0m³ of water used addresses infrastructure requirements as well as need for increased fire protection.

Ron then noted any new development needs should be addressed by development charges.

Robert Taylor then spoke, noting he was originally told his annual charge for water would be \$90.

Ron then noted he believed that those who use water should pay based on consumption.

Chief Administrative Officer Paul Graham then spoke, noting whether water is used or not there are substantial fixed costs and a little energy and chemical cost is saved if less water is produced but the entire system infrastructure must be present.

Paul then noted that fixed costs of the water system represent 85% and it is believed that all landowners benefit from the system being in place and the move to increase fixed costs is to intended to address this.

Ron then noted the fixed cost portion of the rate still appears to be very high and questioned the 180m³ per household use figure, Elizabeth replying this is an average household use in the Town.

Area resident Woody Kress then questioned the cost of a water meter and installation as well as system revenue increases since they were installed.

Elizabeth noted currently water meters are provided at \$220., adding meters now allow the municipality to determine how much water is being delivered.

Woody then questioned the amount of revenue in 2005 versus 2008, Elizabeth replying she can provide this information but not at this time, further noting the revenue in 2009 will be approximately the same as 2008, being \$2.9 million for water and \$2.1 million for wastewater.

Woody then questioned the number of staff in the water treatment plant and water service, John Caswell, Manager of Water & Wastewater Services noting there are approximately 12 water staff working on the water system, the Town system being a long, linear system.

John further noted that post-Walkerton, the cost of operating a municipal water system in accordance with Ministry of Environment regulations has increased significantly, for example a recently installed ultraviolet treatment system costing \$1 million.

Area resident Selina Lawcock then noted all municipalities have all the same regulations and questioned why residents are paying more than in other municipalities.

John then noted regarding the Town system, there is significant rock excavation for any sort of construction or installation which increases infrastructure costs, and as well it is long and linear system versus a compact urbanized system, adding it is a comparatively young system with some neighbouring municipalities having systems perhaps in excess of 100 years old which will involve significant replacement costs over time.

Ron then noted at a previous meeting in 2003 he heard the same information and thought the costs would have been recovered by now, John noting a lot of new works are now being commissioned and new membrane filters are still being considered and proposed for construction.

Deputy Mayor McKinlay then attended the meeting.

Elizabeth then noted system costs have not increased significantly in the last 12 months.

Councillor Gamble then noted staff have a tremendous problem in meeting peak flow demand on the system, for example in November flow being 983 m³ on one day and on December 31, 2008 the peak demand was 11,000 m³ with 1000 to 4000 m³ usual for other days.

Bob further noted the infrastructure has to be in place and available when the demand is present, adding there are significant fixed charges in other utilities such as Union Gas.

Jim Farmillo then spoke on behalf of a local small business using 2 m³ of water per month, noting the direction appears to be moving away from consumption charges and it will be difficult for small businesses to face increased charges, adding those who use more water should pay more rather than increasing the fixed rate portion of billing.

Jim then noted there may be excessive use if 10 m3 of water is provided per billing period at no charge.

Woody Kress then noted he believed there were no water meters in the Intrawest development, Councillor Gamble noting each condominium building in the Village is metered and each individual unit pays the fixed monthly water rate and the metered flows are charged against the total number of units.

Reg then noted there are some condominiums with individual meters, usually newer development as it would be cost-prohibitive to retrofit older development but each unit is considered a separate residence and metered flow is divided accordingly.

Councillor Kennedy then spoke, noting his laundromat business is paying as much or more than anyone, adding the water system has to be built for the one day when all users are present, with occasional residents now paying more to assist with the system operations.

Ron then questioned meter size rate charged to each condominium unit, Reg noting it is based on the residential rate.

Barbara Fogel then spoke, noting Mountain Walk condominium units each have individual meters.

As no-one else wished to speak Mayor Anderson thanked those in attendance, adding their comments will be taken into consideration.

Mayor Anderson then declared the Public Meeting to be adjourned and called the Council meeting to order.

8:00 pm – Chamberlain Architects, Town Hall Consultant

Director of Planning and Building David Finbow then introduced the Town Hall project and provided background on the activity of the Project Steering Committee to date, including development of theme and heritage considerations.

David then noted Rob Potter was retained to prepare an Historical Overview of The Blue Mountains Town Hall Site and invited Rob to review the material for those in attendance.

Rob then reviewed area buildings and use of the site over time, including use of the site as a public gathering space a century ago, in addition to utility and recreation uses.

Rob then noted the north portion of the property was bounded by a rail corridor for over a century with a trail use continuing to this day.

David then noted the Committee adopted a Victorian Industrial vision for the Town Hall design, similar in character to Toronto's distillery district.

David then noted the Committee proceeded with a Request for Expressions of Interest based on the Ontario Architect's Association Quality Based Selection Committee Methodology, with 29 firms responding and the selected firm being Chamberlain.

David then reviewed a building cost estimate of \$5,775,000. with a proposed design fee of \$420,000.. David noted additional design fees would be associated with geotechnical, landscaping and LEED certification.

David then introduced John Knox of Chamberlain.

John then introduced the firm and reviewed proposed site plans and design for the site, noting the building is proposed at the intersection of Bridge and Mill Streets, leaving a significant amount of the site for public space.

John then reviewed the proposed design of the building as a landmark building for the entrance to Thornbury.

David then noted the proposal is a vision at this time but the Committee believed that Chamberlain best caught the theme and history of the site.

Councillor McGee then noted one of the major elements was the target of a LEED silver designation, adding it was felt that Chamberlain struck a chord with the previously completed Sense of Place documents.

Councillor Kennedy concurred with John, noting the intent was to create a sense of place and it was believed Chamberlain accomplished that.

Councillor McKean then questioned the total floor area of the central "street" element of the building, David replying approximately 1,800 square feet, further noting the Council Chamber was proposed to open up to the street element to form a gathering place when needed.

Mayor Anderson then noted the design proposal appears to be well received and offered thanks to the Committee members for their work.

Council then dealt with Agenda Item D.1.

D.1 Town Hall Consultant, SRB.09.09

Moved by: Cameron Kennedy Seconded by: John McGee

THAT Council receive Staff Report SRB.09.09 respecting the selection of a consultant for the design of the New Town Hall and that Council authorize the Mayor and Clerk to execute an Agreement with Chamberlain Architects for professional services in a form approved by the Town's Director, Planning & Building Services in consultation with the CAO, Director of Financial Services and Solicitor.

In speaking to the Motion, Councillor Gamble questioned actual cost of the project budget items that were Town responsibility, David noting the architect design fee was \$420,000., not an earlier referenced \$446,000.

David further noted additional LEED certification costs were not absolute at this time but the Committee was satisfied with a total consultant budget of \$475,000. and would report back to Council as the design progresses.

Bob then questioned a contract requirement that the Town and contractor will settle any issues of concern during construction, David noting there will be a great deal of work done when preparing tender documents to address any issues regarding materials and finishes and other construction matters in the building.

David then noted survey, geotechnical, landscape and LEED consultant requirements will be the responsibility of the Town, as well as fixtures, furniture and equipment.

Bob then questioned what is involved in construction commissioning, David replying this is the most stringent aspect of the LEED certification and will be done through the LEED consultant, adding project management will be in-house with the contractor responsible for construction.

Deputy Mayor McKinlay then questioned who would be responsible for beams and the roof being adequate, David replying Chamberlain's engineering consultant.

Duncan then questioned what would happen if the LEED certification cannot be obtained following construction, David replying LEED certification is ongoing through the construction process.

Duncan then questioned if local ambient temperature, wind, highway salt and other factors that are different in Thornbury than Markham are taken into consideration, David noting the Ontario Building Code addresses differing climate and other factors.

Councillor Kennedy then requested clarification of the estimated building cost of \$5,775,000. given recent construction experience, David replying a costing of \$275. per square foot was used during the review process with Chamberlain currently using a figure of \$240. for costing and total project costs may be lower than estimated.

Council then voted on the Resolution, Carried.

C. Correspondence as previously circulated

Mayor Anderson then noted Item C.8 was a request from the Blue Mountain Watershed Trust requesting regional municipal support for a Shoreline Management Plan and recommended a Motion of support be considered at the next meeting, Deputy Mayor McKinlay questioning if the Town Official Plan did not consider such matters.

Ellen then noted she recently attended a Department of Fisheries and Oceans meeting regarding development of a Shoreline Management Plan to be adopted by each fronting municipality which would better address and detail management issues such as localized dredging on Georgian Bay and Lake Huron.

Ellen further noted DFO, the Ministry of Environment and the Great Lakes St, Lawrence Cities Initiative have been discussing the matter.

Councillor Gamble then noted the Blue Mountain Watershed Trust became concerned with development pressure in the Silver Creek wetland area and there is no formal direction that addresses dredging.

Duncan then noted he believed it was the responsibility of the Federal and Provincial governments to manage such activities with the municipal governments funding regulatory activities through Conservation Authorities.

Ellen noted enforcement would still be the responsibility of DFO but local support for management plans would aid in standardizing practices such as dredging review.

Bob then noted when the Silver Creek wetland development was first proposed, a DFO representative was invited to a Trust meeting and the Trust was advised that DFO would not get involved unless something wrong was actually being done.

Cam then questioned if an Environmental Assessment would be required for such projects, Bob replying yes but once approved it could be several years old by the time development occurs.

Ellen then noted Items C.15, Multiple Sclerosis Awareness and C.16, Child Find Ontario are requesting Motions that Council could consider at the next meeting, with Item C.17, Ontario Coaches Week possibly considered as a Motion or under the Volunteer Recognition program.

Council then dealt with the following Resolution:

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

THAT this Council does hereby receive the Correspondence of March 23, 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, unanimously Carried.

D. Motions and Staff Reports

D.2 Environmental Specifications for Corporate Vehicle Tender, FIS.09.15

Manager of Purchasing Sherri Adams then reviewed the Report, Councillor Gamble noting new 2008 vehicles are still available on lots and may represent better value than the proposed purchase of a new 2009 SUV, Chief Doherty noting that would be acceptable.

Deputy Mayor McKinlay then questioned what type or model of vehicle was being considered, Sherri reviewing the domestically available models that would meet the requirements.

Councillor McKean then noted the mileage requirements would equate to 20 miles per gallon.

Councillor McGee then questioned if selection would be based on the lowest price that meets tender requirements, Sherri replying yes.

Duncan then noted certain vehicles have higher life cycle costs, Sherri noting that was a factor that would be considered in the future.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: John McKean

THAT Council receive Staff Report FIS.09.15 "Environmental Specifications for Corporate Vehicle Tender"; and,

THAT Council adopt the following environmental specifications as they relate to corporate vehicles approved for purchase in the 2009 Budget:

1. One Used 4X4 truck for the Roads and Drainage Division with a City Fuel Consumption rating not greater than 17 L per 100 km, a Highway Fuel Consumption rating not greater than 12 L per 100 km and CO² emissions not greater than 6972 kg per year;
2. Two Used 2WD trucks for the Parks and Trails Division and Water and Wastewater Services Division respectfully, with a City Fuel Consumption rating not greater than 16 L per 100 km, a Highway Fuel Consumption rating not greater than 11 L per 100 km and CO² emissions not greater than 6588 kg per year;
3. One New Model 2009 4X4 Sport Utility Vehicle (SUV) for the Fire Services Department with a City Fuel Consumption rating not greater than 16 L per 100 km and Highway Fuel Consumption rating not greater than 12 L per 100 km and CO² emissions not greater than 6886 kg per year,

Unanimously Carried.

Mayor Anderson then briefly retired from the meeting, Deputy Mayor McKinlay assuming the Chair.

D.3 Provincial Standards of Accessibility

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

WHEREAS the Province of Ontario enacted the *Accessibility for Ontarians with Disabilities Act* and is now considering Regulation to implement specific standards of accessibility in the areas of Customer Service, Transportation, Information and Communications, Built Environment and Employment;

AND WHEREAS The Blue Mountains fully supports accessible municipal services for its residents and visitors and recognizes the valuable contribution these individuals make to our community both socially and economically;

AND WHEREAS the third of these standards, being Information and Communications, is to be implemented in 2011;

AND WHEREAS a KPMG study commissioned by the Province has estimated the net cost for a municipality similar to The Blue Mountains to be between \$1.345 million and \$3.805 million to implement the Information and Communications standard, representing up to a 40% increase to the Town tax rate;

NOW THEREFORE Council of The Blue Mountains does hereby request the Province of Ontario to consider reasonableness and accountability to all taxpayers in the consideration of any Regulations affecting municipal service standards;

AND THAT this Resolution be forwarded to the Premier of Ontario and the Association of Municipalities of Ontario, unanimously Carried.

E. New and Unfinished Business

E.1 Grey County Council Update

Deputy Mayor McKinlay then reported on County prioritization efforts for infrastructure projects for future funding programs, adding the County Budget was recently approved with a 1.4% increase.

Mayor Anderson then returned to the meeting and assumed the Chair.

E.2 Notice of Motion

Mayor Anderson then reported on a Great Lakes St. Lawrence Cities Initiative conference in June which will receive resolutions from member municipalities, adding she would like to propose a Motion to Council to address the value of water and encourage conservation rate pricing for water-taking at the next meeting.

E.3 Additions to Agenda

None

F. By-laws

None

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest (A. Gibson, E.C. King, M. Kennedy)

Reports List (Adopt)

3. Engineering and Public Works Committee, March 10, 2009
4. Finance and Administration Committee, March 17, 2009

Chair Gamble then reported on the recommended allocation of the Grants and Donations program, noting 102% of the Grants and Donations Budget had been allocated.

Bob then noted the Statement on 2008 Council Renumeration and Expenses.

Council then dealt with the following Resolution:

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

THAT the Finance and Administration Committee Report of, March 17, 2009, be hereby adopted, including all Recommendations, unanimously Carried.

Minutes List (Receive)

5. GSCA Source Protection Committee, January 23, 2009

Councillor McKean then noted grant funding was available for properties within the two year time of travel to source water for the decommissioning or

upgrading of septic systems and questioned if the Clarksburg area would be considered.

John Caswell then noted he is preparing a Report on the program in the near future for Committee consideration.

Duncan then questioned if the program would also consider municipal servicing, John to check.

Councillor McKean then noted the NVCA has distributed \$400,000. under such a program and it would be worth investigating for The Blue Mountains.

Council then dealt with the following Resolution:

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

THAT the GSCA Source Protection Committee minutes of January 23, 2009, be received, unanimously Carried.

Duncan then noted the Clerk could contact Committee representative Mike Traynor for program information.

H. Next Meeting Date(s)

Council April 15 (Wed), 27, May 11, 25, June 8, 22, July 13, August 10, September 14, 28, October 14 (Wed), 26, November 9, 23, December 14, 2009

All Council meetings to be at the Library unless otherwise noted

Infrastructure & Recreation Committee, March 24, 2009

Planning and Building Committee, April 6, 2009

Finance and Administration Committee, April 21, 2009

I. Closed Session

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

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 the Drexler Construction Statement of Claim regarding Camperdown servicing, unanimously Carried.

Council moved into closed session at 9:45 p.m.

Council rose from closed to public session at 10:03 p.m.

J. Confirmation By-law and Adjournment

Mayor Anderson then vacated the Chair having previously declared a pecuniary interest, Deputy Mayor McKinlay assuming the Chair and Council then dealt with the following Resolutions:

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

THAT By-law No. 2009 - 21, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on March 23, 2009, be hereby enacted as passed this twenty-third day of March, 2009.

NOTE: Pecuniary interests were previously declared by Mayor Anderson, Councillor Kennedy and Councillor McKean and they did not take part in related discussion or voting.

Moved by: Cameron Kennedy Seconded by: John McGee

THAT this Council does now adjourn at 10:06 p.m. to meet again Wednesday, April 15, 2009, 7:00 pm, L.E. Shore Library, or at the call of the Chair.

.....
Ellen Anderson, Mayor

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Stephen Keast, Clerk