

Minutes - The Blue Mountains Council Meeting



MEETING DATE: April 14, 2008

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.
- Also in attendance was Chief Administrative Officer Paul Graham, Manager of Water and Waste Water Services John Caswell, Director of Building & By-Law Enforcement David Finbow, Director of Planning Peter Tollefsen, Manager of Development Planning Rob Armstrong, Communications & Economic Development Coordinator Lisa Kidd, Director of Engineering & Public Works Reg Russwurm, Director of Financial Services Rob Cummings and Manager of Purchasing Sherri Adams.
- Council then paused for a moment of Personal Prayer or Reflection.
- Approval of Agenda
Moved by: R.J. Gamble Seconded by: John McGee
THAT the Agenda of April 14, 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, save Mayor Anderson with regard to Consent Agenda Item G.2 Accounts and cheques payable to her father for services rendered, Councillor Kennedy with regard to Agenda Item G.2 and cheques payable to his daughter through the Thornbury BIA, Councillor McKean with regard to Agenda Item G.2 and cheques payable to his place of employment and Deputy Mayor McKinlay with regard to a 7:05 pm deputation and Agenda Item D.4 and employment of his daughter in an adjacent business.
- Adoption of Consent Agenda
Moved by: R. J. Gamble Seconded by: John McGee
THAT the Consent Agenda of March 10, 2008 be adopted as circulated, save and except Items G.3, Source Water Protection, Carried.
- Previous Minutes
Moved by: Cameron Kennedy Seconded by: John McKean
THAT the Council minutes of March 26, 2008 be adopted as circulated including any revisions to be made, Carried.

As business arising from the minutes, Deputy Mayor McKinlay noted he would provide a report on Grey Roots operations at the next Council meeting.

B. Deputations/Presentations

7:05 pm Jan Pratt, Resident, Re: Noise By-Law Exemption Request of The Dam Pub (See Item D.4 - 2071400 Ontario Limited, 53 Bruce Street South, "The Dam Pub", Request for Relief from the Noise By-law, SRB.08.15)

NOTE: Deputy Mayor McKinlay earlier declared a potential pecuniary interest with regard to this matter and vacated the Table and did not take part in related discussion or voting.

Jan then noted the Town Noise By-law had never been an issue with her in the past, until the Dam Pub began operating across from her residence on Bruce Street.

Jan then requested Council enforce the provisions of the Noise By-law rather than consider a variance as has been requested.

C. Correspondence as previously circulated

Regarding Correspondence Item C.7, Investing in Ontario Act, Councillor McGee noted the surplus allocation formula would use a per capita basis for funding and this places The Blue Mountains at a disadvantage in terms of infrastructure requirements, adding a reply to the Ministry should be forwarded requesting an alternative funding calculation be applied.

Mayor Anderson noted she raised this issue at an AMO Board meeting and it was not universally embraced.

Deputy Mayor McKinlay concurred with Councillor Graham, noting the extensive part-time population, requesting Grey County be kept apprised as well.

Town CAO Paul Graham noted the Town has discussed the matter with other area municipalities who share our concerns, adding the Town's position should be documented.

Councillor Gamble then noted it appeared funding would first be provided to upper tier municipalities, Paul noting Grey County would retain 50% of allocated funds with the other 50% allocated to member municipalities, noting the matter had been discussed with the Grey County CAO.

Councillor Kennedy then questioned if the County would have control over the lower tier funding allocation, Paul replying he believed they would.

Deputy Mayor McKinlay then noted Grey County has a strong focus on developing transportation infrastructure in our quadrant of the County at present and a shift in internal allocation may not be favourable, Mayor Anderson more information could be sought.

Councillor McGee then proposed Correspondence Item C.9, Georgian Triangle Housing Resource Centre, be forwarded to the Affordable Housing Committee, Council concurring.

Council then dealt with the following Recommendation:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT this Council does hereby receive the Correspondence of April 14, 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

D.1 Firearm Discharge Regulation By-law – Request for exemption (Correspondence Item C.5)

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

THAT this Council does hereby grant an exemption from By-law No. 2005-55, being a By-law to regulate the discharge of firearms within the Town, to Wally Brinson, so as to allow him to hunt during the 2008 season on lands in Lot 39, Concession 12, it being noted Mr. Brinson has historically hunted the subject lands from established tree stands and has landowner Dan Harrison's written permission and anticipated development adjacent to the subject lands has not yet been constructed, Carried.

D.2 Thornbury Medical Clinic, CAO.08.07

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

THAT Council publicly declare its commitment to ensure that North East Grey Health Clinics Inc. has the necessary property, in Thornbury, to construct a Medical Clinic and;

THAT Council will ensure that the property is available in a timely manner to facilitate the successful construction of the Thornbury Medical Clinic and;

FURTHER THAT should the Town directly supply land either by transfer or easement, at its sole discretion and in consult with North East Grey Health Clinics Inc., it shall be provided at no cost to North East Grey Health Clinics Inc., being the Town's contribution to the Project, Carried.

D.3 "Bridges Tavern", 27 Bridge Street East, SRB.08.14

Councillor McKean then questioned the number of variances for the subject lands in the past, David replying three had been granted in 2007, this the first in 2008.

Councillor McGee then noted the Noise By-law does not provide criteria to consider in the case of a variance, David noting past history of a property is considered more than criteria.

John then noted the use of sound measuring devices when considering noises likely to disturb residents, David noting other area By-laws have been reviewed for comparison, for example the City of Barrie which prohibits noises likely to disturb in residential areas other than a few exceptions for which maximum sound levels are identified, such as air conditioning units not to exceed 55 decibels.

David further noted the Barrie By-law permits noises to be generated in the Business Improvement Area until 9:00 pm., adding the Town now has a noise meter and Staff trained to use it.

Councillor Gamble then questioned if Ministry of Environment guidelines established noise levels at a property boundary, David noting such guidelines were more of a land use planning matter, for example noise levels along a highway being mitigated with berming and fencing.

Councillor Kennedy then questioned acceptable decibel levels of noise, David replying there were no established noise levels, the parameters being subjective to individuals.

Council then dealt with the following Resolution:

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

THAT COUNCIL receive Staff Report SRB.08.14 and authorize relief from the Town's Noise By-law to Meredith Brown, "Bridges Tavern", 27 Bridge Street East, so as to permit an exception to the Noise By-law on September 6, 2008 until 23:00 (11:00 p.m.) to facilitate a wedding and further that Council direct Town Staff to correspond with those property owners within the circulation area of its decision, Carried.

D.4 2071400 Ontario Limited, 53 Bruce Street South, "The Dam Pub", Request for Relief from the Noise By-law, SRB.08.15

NOTE: Deputy Mayor McKinlay earlier declared a potential pecuniary interest with regard to this matter and vacated the Table and did not take part in related discussion or voting.

Director of Building and By-law Enforcement David Finbow then distributed correspondence received to date in relation to the requested variance.

Councillor Gamble then noted Council cannot guarantee an environment with no noise, adding the existing business had a right to operate with a certain amount of noise audible at the property line.

Bob further noted a fine dining experience may go beyond 9:00 pm, adding the business operator has a responsibility not to create excessive noise beyond the property line.

Councillor Kennedy then proposed an Agreement with the proponent with a decibel limit included, David noting a noise level could be established but tolerance among various people could vary greatly.

Councillor McKean then proposed the variance could be considered in two month increments so as to be able to gauge the response.

Councillor McGee then questioned the background for a blanket exemption for the Village at Blue, David noting the Village Association engaged consultants to mitigate noise from Village activity, adding the Village was more enclosed now and noise complaints are almost none-existent with outdoor entertainment restricted to 11:00 pm.

Councillor Gamble then noted the business operator does not have control over parking by patrons or behaviour upon leaving the establishment, David noting Bruce Street is a County road and the County is responsible for parking regulation and layout.

Mayor Anderson then noted area residences are located in the commercial downtown core with associated noise, adding it is difficult to protect the rights of residents as well as encourage economic development, adding the Sunday evening exemption may be excessive.

David then noted By-law Enforcement Staff could work with the parties involved on a trial basis.

Councillor McKean then proposed a trial increment to July 6, which would allow further consideration by Council prior to any summer break.

Councillor McGee then proposed Council consider a blanket exemption for the Business Improvement Area to level the playing field, or not consider any exemptions, together with a revised By-law that would address specific noise levels. John then proposed such a blanket exemption to July 6 with a review of matters to follow, Councillor McKean concurring, David noting Staff would try to have a review completed by July 6.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: John McKean

THAT "The Dam Pub" Request for Relief from the Noise By-law be tabled for further discussion and review pending further information, Carried.

D.5 "The Blue Mountains Public Library Board", 183 Bruce Street South, SRB.08.17

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

THAT COUNCIL receive Staff Report SRB.08.17 and authorize relief from the Town's Noise By-law to The Blue Mountains Public Library Board, 183 Bruce Street South, so as to permit an exception to the Noise By-law on June 20, 2008 from 4:00 p.m. to 9:00 p.m. for a community event and that The Blue Mountains Public Library Board ensure that potentially affected neighbouring residents be so advised of this event and the related potential impact as it relates to the making of noise, Carried.

D.6 First Impressions Community Exchange Program, CEDC.08.07

Moved by: Cameron Kennedy Seconded by: John McKean

THAT Council receive Staff Report CEDC.08.07, "First Impressions Community Exchange Program" for information purposes and;

THAT Council authorize participation in the Program; and

FURTHER THAT Council endorse a partnership with the Town of Gravenhurst as the matching Community to the Town of The Blue Mountains for the purposes of the First Impressions Community Exchange Program, Carried.

D.7 Award of Tender TBM-2008-11 for Excavation Services for Committals, DOR.08.11

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

THAT Council receive Staff Report DOR.08.11, "Award of Tender TBM-2008-11 for Excavation Services for Committals" and authorize proceeding with the award the contract to Greenthumb Landscape and Maintenance Ltd. in the amount of \$325.00 (excl. GST) per committal for one year with the option to renew the contract in whole or in part annually, during the overall total contract term of up to three (3) years, Carried.

D.8 Redline Revision to Draft Plan of Condominium Approval 42-CDM-2006-11 1382491 Ontario Limited (Keeper's Cove) Part Lots 1 and 3, Plan 1032, Part Lot 39, Concession 12, Town of The Blue Mountains, PL.08.36

In speaking to the Report, Councillor Gamble requested clarification of the final form of development, Manager of Development Planning Rob Armstrong replying it would be a number of Vacant Land Plans of Condominium.

Deputy Mayor McKinlay then questioned a reference to inadequate water pressure, Director of Engineering and Public Works Reg Russwurm clarifying the conversion of townhouse units to single detached units would ensure fire protection adequacy.

Council then dealt with the following Resolution:

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

THAT Planning Staff support a recommendation to the County of Grey to grant a redline revision to Draft Plan of the Condominium File No. 42-CDM-2006-11, Keeper's Cove, Part Lots 1 and 3, Plan 1032, Town of The Blue Mountains, subject to the conditions contained in Planning Staff Report No. PL.08.36, Carried.

D.9 Removal of Part Lot Control Woodlands by Sierra Part of Block 10, Plan 1124 Town of The Blue Mountains, PL.08.35

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

THAT Council does receive Planning Staff Report PL.08.35, "Removal of Part Lot Control" – Woodlands by Sierra Part Block 10, Registered Plan 1124 Town of The Blue Mountains";

AND THAT Planning Staff supports a By-law to remove Part Lot Control to facilitate registrations within Phases 2 and 3 of the Common Elements Plan of Condominium, Carried.

D.10 Ravenna Community Hall Improvements, F.S.08.16

In speaking to the Report, Deputy Mayor McKinlay questioned where the proposed addition would be located, Director of Finance Rob Cummings replying he was not sure of final building details.

Councillor McGee then questioned the proposed expansion of the adjacent Public Works building and possible co-ordination of servicing works, Reg

THAT Council does hereby appoint Councillor John McKean to the Engineering and Public Works Committee to replace Councillor Michael Martin, Carried.

**D.14 Funding to Upgrade Municipal Roads in the Georgian Triangle
EPW.08.49**

Moved by: John McGee Seconded by: Cameron Kennedy

Whereas the Municipalities of The Town of The Blue Mountains, Clearview Township, Town of Collingwood, Town of Wasaga Beach, County of Grey, and Simcoe County along with the Ministry of Transportation have worked collectively for more than twenty-five years in an effort to resolve the short term and long term traffic and transportation requirements for the Georgian Triangle area:

And Whereas the Municipalities of Town of The Blue Mountains, Township of Clearview and Town of Collingwood, with the cooperation of the Town of Wasaga Beach, Simcoe County and Grey County, jointly prepared the document ***“Georgian Triangle Area Transportation Paper Phase 2 Report”*** and submitted it to the Honourable Jim Bradley, Minister of Transportation;

And Whereas the above noted report outlined a phased priority approach to implementing a number of interim improvements to area roads that will reduce congestion on the Highway 26 corridor and foster economic growth, particularly in the tourist sector;

And Whereas in a letter dated March 31, 2008, the Honourable Jim Bradley, Minister of Transportation advised the Town of Collingwood that Collingwood, on behalf of the Georgian Triangle Area municipalities, will receive funds in the amount of \$10,000,000 for interim alternate route improvement around Collingwood and Stayner, subject to conditions outlined in the Minister’s letter;

Therefore it be resolved that the Town of The Blue Mountains agrees with the following:

- (1) The Town of Collingwood and the Township of Clearview work in partnership to utilize the \$10,000,000 MTO allocation for the following projects:
 - \$7,300,000 for road improvements to 10th Line between Simcoe Road 32 and Poplar Sideroad, and Poplar Sideroad between the 10th Line and the Highway 26 Realignment
 - \$2,700,000 for road improvements to Clearview 27/28 Sideroad between Highway 26 and Simcoe Road 7
- (2) It is intended that construction of these improvements be carried out as soon as possible, subject to the development of a mutually acceptable construction plan with Collingwood and Clearview.
- (3) The primary purpose of the improvements is to improve provincial traffic flow around Collingwood and Stayner enroute to the recreational areas in the Towns of The Blue Mountains and Wasaga Beach.

And it be resolved that the Town of The Blue Mountains will continue to work cooperatively with Town of Collingwood, Township of Clearview, Town of Wasaga Beach, Simcoe County and Grey County to develop destination and

wayfinding signs to assist motorists to reach their destinations in the Georgian Triangle area.

Further it be resolved that this resolution be forwarded to the Ministry of Transportation, the Town of Collingwood, Township of Clearview, Town of Wasaga Beach, Simcoe County and Grey County, Carried.

D.15 Acquisition of 32 Bridge Street, Thornbury, Ontario, CAO.08.08

The Clerk then distributed Report CAO.08.08 as completed earlier in the day.

Council then dealt with the following Resolution:

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

THAT Council authorize the purchase of 32 Bridge Street in Thornbury at a cost of \$270,000. as offered by the Owen of the property; and

THAT Council authorize the Chief Administrative Officer to arrange for the acceptance of the Owner's offer; and

FURTHER THAT Council authorize the Mayor and Clerk to execute the necessary documents to transfer the property into the Town's ownership.

In speaking to the Motion, Councillor McGee recounted past consideration of acquiring the property, noting he believed it would result in an improved site for the Town Hall location, Council concurring.

Council then voted on the Resolution, Carried.

E. New and Unfinished Business

E.1 Grey County Council Update

Deputy Mayor McKinlay then reported a County road tour would take place in the near future with Grey Road 119 to be assumed on May 1, 2008. Duncan further noted the Grier Creek bridge tender would be let shortly and work on the Grey 19 roundabout continues.

Duncan then reported open houses and public meetings for the Five Year Review of the County Official Plan are being scheduled.

Councillor Gamble then noted that any consideration by the County of assuming a waste management role should be based on a user pay basis rather than funded from the general levy.

E.2 AMO Board of Directors Update

Mayor Anderson then reported on consideration of social housing issues by the Board, noting the backlog for local housing is reducing.

E.3 2008 Municipal Road and Infrastructure Investment – Notice of Approval

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

WHEREAS The Town of The Blue Mountains has been approved to receive funds in the amount of \$771,009 under the 2008 Municipal Road and Bridge Infrastructure Investment;

THEREFORE BE IT RESOLVED that these funds will be used for municipal road and bridge capital investment needs,

AND FURTHERMORE that a final summary report detailing expenditures, use of provincial funding, and outcomes achieved shall be submitted to the ministry and the ministry may request an independent audit of the project;

AND FURTHERMORE any funds intended for the project that are not used in accordance with rehabilitation of municipal road and bridge capital investment needs or the terms outlined above will be returned to the ministry, Carried.

E.4 Enhancements to the Graduated Licencing System-G2

Deputy Mayor McKinlay then assumed the Chair at the request of Mayor Anderson, with Ellen introducing a Motion in support of changes to the regulations surrounding the G2 Graduated Driver's Licence as an attempt to reduce accidents and save lives.

Council then dealt with the following Resolution:

Moved by: Ellen Anderson Seconded by: John McGee

THAT Council of the Town of The Blue Mountains requests the Province of Ontario to amend provisions of the Graduated Driver's Licence system with regard to restrictions on the carrying of passengers in motor vehicles operated by a holder of a G2 Driver's Licence in the following manner

1. A holder of a G2 Driver's Licence be restricted to the carrying of one passenger aged 19 years or under, excluding immediate family, twenty-four hours per day, for a period of one year.; and
2. Following the aforementioned restriction period of one year and until a holder of a G2 Driver's Licence earns a full G Driver's Licence or turns the age of 20 years, the maximum number of passengers aged 19 years or under shall be three.

AND THAT a certified copy of this Resolution be forwarded to the Premier of Ontario and the Ontario Minister of Transportation.

In speaking to the Motion, Councillor McKean noted support for the issue, cautioning in rural areas the restriction may cause hardships for teenagers and parents in arranging transportation to and from events.

Councillor Gamble then noted support for the Motion, with additional review at the Ministry level.

Area resident Jan Perry then spoke from the floor, noting support for the increased regulation so that young drivers would be more experienced and responsible when allowed to travel with passengers.

Council then voted on the Resolution, Carried.

Mayor Anderson then assumed the Chair.

E.5 Notice of Motion

Council

None

E.6 Additions to Agenda

Staff

None

F. By-laws

F.1 Removal of Part Lot Control Woodlands by Sierra Part of Block 10, Plan 1124,

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

THAT By-law No. 2008-35, being a By-law to remove lands bounded in part by Blueski George Crescent from part-lot control, be hereby passed this 14th day of April, 2008, Carried.

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest (Maggie Kennedy, Miller Waste and Albert Gibson)

Reports List (Adopt)

None

Minutes List (Receive)

3. Source Protection Committee, January 22, 2008

Councillor Gamble then noted the Early Action Stewardship Program and inspection of septic systems, stating the public should be made aware of the program.

Councillor McKean then noted he believed the program was focussed on water intake areas and considered attenuation zones.

Deputy Mayor McKinlay then recounted an Environmental Farm Plan work group he recently attended and possible levels of funding to assist in updating septic systems.

Council then dealt with the following Resolution:

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

THAT the Source Protection Committee minutes of January 22, 2008 be received as circulated, Carried.

4. Grey Sauble Conservation Authority, March 12, 2008
5. Police Services Board, March 19, 2008

