

Minutes - The Blue Mountains Council Meeting



MEETING DATE: April 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 a previous speaking commitment.
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Engineering and Public Works Reg Russwurm, Manager of Water and Waste Water Services John Caswell, Director of Planning Peter Tollefsen, Director of Recreation Shawn Everitt, Communications & Economic Development Coordinator Lisa Kidd, Director of Finance Rob Cummings, Deputy Treasurer Elizabeth Thompson, Manager of Development Planning Rob Armstrong, Manager of Solid Waste and Environmental Initiatives Jeffrey Fletcher, Municipal Law Enforcement Officer Wayne DeWitt, Director of Building and By-Law David Finbow and Craigleith Depot Curator Suzanne Ferri.
- 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 April 28, 2008 be adopted as circulated, including any items added to the Agenda, Carried.

The Clerk then noted consideration of Councillor attendance at the Federation of Canadian Municipalities would be considered as an addition to the Agenda and that Recommendation No. 3 of the Engineering and Public Works Committee Report of April 22, 2008 is now complete and suitable for consideration at this time.

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Deputy Mayor McKinlay with regard to Agenda Item D.8 Request for Relief from the Noise By-Law and employment of his daughter at a neighbouring institution, Councillor Kennedy with regard to Agenda Item G.2 and cheques payable to his daughter and Councillor Martin with respect to Agenda Items D.3 and F.2, Lora Bay Corporation and occasional employment of his spouse.
- Adoption of Consent Agenda

NOTE: Councillor Kennedy declared a pecuniary interest with respect to Agenda Item G.2 and cheques payable to his daughter.

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

THAT the Consent Agenda of April 28, 2008 be adopted as circulated, save the Finance and Administration Committee Report of April 22, 2008 and the

Engineering and Public Works Committee Reports of April 8, 2008 and April 22, 2008 Carried.

- Previous Minutes

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

THAT the Council minutes of April 14, 2008 and Planning Council minutes of April 7, 2008 be adopted as circulated, including any revisions to be made, Carried.

B. Deputations/Presentations

7:05 pm – Don Smith, Terms of Reference – Drinking Water Source Protection Committee Terms of Reference

Next as Don Smith of the Grey Sauble Conservation Authority was in attendance it was Council's pleasure to hear him regarding the Drinking Water Source Protection Committee Terms of Reference.

Municipal representative Committee member Bill Twaddle and Committee members Les McKinnon and Brent Lanktree were also in attendance.

Don then reviewed the Committee Terms of Reference preparation to date, the Committee representing the Saugeen Valley and Grey Sauble Conservation Authorities and the Municipality of Northern Bruce Peninsula.

Don then reviewed the other members of the Committee, in total 15 representatives from the area with various ranges of expertise.

Don then reviewed recent activities and technical work completed to date, including the six step process in completing the Terms of Reference.

Don then reviewed the consultation process inherent in the Terms of Reference development, noting a list of existing or proposed drinking water systems has been compiled from across the source protection area, including systems other than municipal systems.

Don then noted the Clean Water Act would allow the Committee to consider areas of clustered, private wells at the request of the municipality.

Don noted in the case of The Blue Mountains, an Intake Protection Zone would be identified for the Thornbury water intake and any threats to the IPZ would be examined with a quantitative risk assessment then completed. Don further noted Time of Travel contours were established out from the IPZ with a one mile radius around the intake being of most interest.

Councillor Kennedy then questioned if Time of Travel changed with spring run-off, Don noting increased flows were taken into consideration.

Deputy Mayor McKinlay then questioned the advantage of including additional lands in the study area, Don noting the program will assess vulnerability and risks present for any water system or from any land use.

Duncan then questioned any funding available to address identified risks, Don noting Provincial funding was in place until 2012, adding the Province should fund the program.

Duncan then noted the program was worthy and questioned if all wells would be addressed, Don noting the program focussed on municipal systems, adding recharge areas were considered as well as wellhead areas and risk and liability within such areas would be considered.

Les then spoke, noting post-Walkerton style costs are much greater than an exercise in prevention.

Bill Twaddle then noted as municipal representative, he would address any issues Council would like examined.

Brent Lanktree then noted the Committee was working well together and had great staff support.

Duncan then questioned support and advice that would be available on matters Council would have to consider, Don noting a two month consultation period was proposed and the Terms of Reference were not yet finalized.

The deputation then thanked Council and retired from the meeting.

7:30 pm – PUBLIC MEETING

Planning Act Fees and Charges

Engineering and Public Works Fees and Charges

Deputy Mayor McKinlay then called the scheduled Public Meeting to order and explained the purpose of the Public Meeting was to receive and consider comments from members of the public regarding a proposed By-law to establish a tariff of fees for the processing of Planning Act applications and the imposition of fees and charges for services provided by the Engineering and Public Works Department as authorized under the Municipal Act.

Duncan then noted it was intended that Council would consider such a By-law at the Council meeting of May 5, 2008.

Director of Finance Rob Cummings then reviewed background on the proposed fees and charges, noting the proposed charges had been earlier reviewed with Council and the information had been available to the public.

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

7:40 pm – Golder Associates –Environmental Screening/ Solid Waste Solution – Landfill Expansion and Mining (March 11, 2008 Engineering and Public Works Committee Report)

Mike Cant of Golder Associates then reviewed the proposed Environmental Screening for the Solid Waste Solution for the Town Landfill site.

Mike then reviewed public survey results received to date, including support for meeting the Provincial waste diversion target of 60%, the Town currently at 37%.

Mike noted the diversion targets included residential, commercial and industrial waste, the Town essentially having control only over residential waste.

Mike then noted event at the diversion goal, the 40% residual waste would require disposal capacity of 200,000 cubic metres per year.

Mike then noted options available for residual waste include export, Landfill expansion or mining of existing sites, noting the proposed program recommends a pilot composting program and an Environmental Screening for the mining and/or expansion of the existing facility.

Mike then noted under the Environmental Assessment Act, Landfill mining or expansion requires an Environmental Screening, rather than a full Environmental Assessment, if each is addressing 100,000 cubic metres or less to a combined maximum of 200,000 cubic metres or less.

Councillor McGee then questioned if source separated organics and yard waste would be combined, Mike noting both materials were utilized with yard waste being seasonal and stockpiled for mixing to provide the necessary bulk material.

Manager of Solid Waste and Environmental Initiatives Jeff Fletcher then reviewed the Staff Reports and Recommendations.

With Mike still in attendance, Council then dealt with the following Resolutions:

D.1 Environmental Assessment Phase – Solid Waste Solution, EPW.08.35

Moved by: Cameron Kennedy Seconded by: John McKean

THAT Council receive Report EPW.08.35 entitled “Presentation: Environmental Assessment Phase – Solid Waste Solution” for their information, Carried.

D.2 Environmental Assessment Phase – Solid Waste Solution, EPW.07.113

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

THAT Council receive Report EPW.07.113, “Environmental Assessment Phase – Solid Waste Solution” and authorize the Mayor and Clerk to execute an agreement with Golder Associates Ltd. for engineering services relating to conducting an Environmental Screening of a proposed landfill expansion and landfill mining project in the amount of \$301,000.00 consisting of \$261,000.00 upset fee limit plus \$40,000.00 contingency fee, Carried.

Mike then thanked Council and retired from the meeting.

C. Correspondence as previously circulated

Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: John McKean

THAT this Council does hereby receive the Correspondence of April 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

- D.3 Application for Zoning By-law Amendment to remove Holding ‘-h’ Symbol and Site Plan Approval for two Villa Blocks - Lora Bay Corporation – Phase 3 Blocks 66 and 67, Registered Plan 16M-17 Town of The Blue Mountains, PL.08.43

NOTE: Councillor Martin declared a pecuniary interest with respect to Agenda Item D.3 and occasional employment of his spouse and vacated the Table and did not take part in related discussion or voting.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT Council does receive Planning Staff Report PL.08., “Application for Zoning By-law Amendment to remove Holding ‘-h’ Symbol and Site Plan Approval for two Villa Blocks - Lora Bay Corporation – Phase 3 Blocks 66 and 67, Registered Plan 16M-17 Town of The Blue Mountains”;

AND THAT That Planning Staff supports Site Plan Approval for the four horizontally attached dwelling units on each of Blocks 66 and 67, Registered Plan 16M-17, conditional upon the execution of a Site Plan Agreement with the Town.

AND THAT Planning Staff support the passing of a By-law Amendment to remove the holding –h symbol from the two Villa Blocks.

AND THAT Planning Staff recommend that Council authorize the Mayor and Clerk to execute a Site Plan Agreement for the development of the Villa Blocks conditional upon the approval by Town Staff, Carried.

- D.4 Application for Site Plan Approval – Dr. Sausage – Clarksburg Chip Truck, Part Lots 34, 35, Plan 562 and Part 2, 16R-3199, PL.08.41

Councillor McGee then questioned if there was any previous concern with the operation, Manager of Development Planning Rob Armstrong reporting there was some concern with area parking but not with the chip truck itself.

Council then dealt with the following Resolution:

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

THAT Council does receive Planning Staff Report PL.08.41, “Application for Site Plan Approval – Dr. Sausage – Clarksburg Chip Truck, Part Lots 34, 35, Plan 562 and Part 2, 16R-3199”, Town of The Blue Mountains;

AND THAT Council does hereby grant Site Plan Approval for a temporary food services trailer and further authorizes the Mayor and Clerk to execute a Site Plan Agreement, Carried.

- D.5 Craigleith Heritage Depot Museum Advisory Committee, DOR.08.10

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

THAT Council approve the Terms of Reference for a Craigleith Heritage Depot Museum Advisory Committee as well as authorize staff to advertise for volunteers, and;

THAT The Craigleith Heritage Depot Task Force be hereby dissolved.

In speaking to the Motion, Deputy Mayor McKinlay questioned the timeframe between the dissolution of the Craigleith Heritage Depot Task Force and the creation of the Advisory Committee, Director of Recreation Shawn Everitt answering the Task Force mandate has been completed.

Council then voted on the Resolution, Carried.

D.6 Town Hall Project Communications Update and Preferred Concept Survey Results, CEDC.08.10

The Clerk then distributed additional comments recently received.

Council then dealt with the following Resolution:

Moved by: John McKean Seconded by: Cameron Kennedy

That Council receive Staff Report CEDC.08.10 'Town Hall Project Communications Update and Preferred Concept Survey Results' for information purposes, Carried.

D.7 Town Hall Project - Preliminary Design, SRB.08.22

Director of Building & By-Law Enforcement David Finbow then reviewed the Report, noting it was requested Council review the information contained in the five Recommendations for consideration at the Council meeting of May 12, 2008.

David then recounted history of the Town Hall project development to date, including proposed funding and financial sources and streams.

David then reviewed the Staff Report Recommendations in detail for Council's later consideration.

Councillor Kennedy then questioned if savings versus expense of installation of a skating loop to be used as a heating and cooling source would be available, David Finbow noting actual costs are not yet available although operational savings would be realized after the capital expense, adding such a use would assist in LEED certification.

Cameron then noted Recreation Staff had researched the matter, David further noting the capital cost was in the order of \$400,000 with operational savings unknown.

Councillor McKean then questioned retention of the existing Town Hall, noting a five year period of retention would result in a site that would appear as if permanently under construction, given ongoing landscaping and later demolition and further landscaping.

David then noted some community groups had expressed interest in the building and landscaping would not be completed for a period after new construction.

David noted a limited retention would allow Town operations to transition and determine what the community wants.

Deputy Mayor McKinlay then noted he believed it was desirable to move some parking off the site to allow for more public use of the site.

Councillor Gamble then noted concern with financing of the project, noting interest income would be lost once reserves were utilized, adding reliance on building user fees may have to be reduced in the case of a building downturn.

Council then dealt with the following Resolution:

Moved by: Cameron Kennedy Seconded by: Michael Martin

THAT Council receive Staff Report SRB.08.22 and consider the recommendations contained in this Report at its meeting of May 12, 2008, Carried.

D.8 2071400 Ontario Limited, 53 Bruce Street South, "The Dam Pub",
Request for Relief from the Noise By-law

NOTE: Deputy Mayor McKinlay declared a pecuniary interest with respect to Agenda Item D8 and employment of his daughter at a neighbouring institution and vacated the Table and did not take part in related discussion or voting.

Councillor Martin then assumed the Chair in Deputy Mayor McKinlay's absence.

Director of Building and By-Law Enforcement David Finbow then reviewed the Report together with additional information from the Blue Mountain Village Association as to addressing noise concerns, such noises limited in the Village to 11:00 p.m.

David also reviewed additional correspondence from the proponent regarding current ambient noise levels as well as correspondence from area residents opposing the proposed variance, adding the proponent was no longer requesting an exemption for Sundays.

David then reviewed noise ranges with examples as well as noise by-laws from area municipalities.

David then demonstrated noise levels in decibels with use of a portable radio and a noise meter.

Councillor Gamble then questioned Provincial Policy on noise at property lines, David noting the Ministry of Environment was no longer involved in noise mitigation, adding municipalities are not experts in the field and do not have consultants retained, adding 50 – 55 db appeared to be a threshold level, 55 db for Class 1 urban lands, 50 db for Class 2 lands exhibiting characteristics of both urban and rural lands.

Councillor Kennedy then questioned the ambient noise levels supplied by the proponent and the effect of adding music and conversation, David

noting an OMAFRA fact sheet provided information on how sound increased when mixed.

Chair Martin then proposed Council proceed through the Staff Report options, beginning with option 3., being refusal of the variance, which if defeated would lead to consideration of the variances or finalization of the issue if passed.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: Michael Martin

THAT Council refuse the request from relief from the Town's Noise By-law to 2071400 Ontario Limited (o/a "The Dam Pub"), 53 Bruce Street South.

In speaking to the Motion, Councillor McGee noted individual variances had been considered in the past with the issue before Council now being a blanket exemption.

John continued that blanket exemptions should not be considered by Council but additional information should be gathered to prepare a new By-law to address the concerns of all residents, with individual exemptions considered in the meantime.

Councillor McKean then noted the earlier radio demonstration at 50 decibels plus traffic plus conversation could represent excessive noise.

Chair Martin then spoke, noting Council represented constituents on both commercial and residential areas without favour, with variances previously considered on a case by case basis. Michael further noted the Official Plan shows the commercial designation terminating on the east side of Bruce Street at the subject property with no commercial designation south of Louisa Street on the west side, new commercial encouraged north from the area toward the Harbour and any blanket exemption serving a commercial use in the subject area would appear to be at odds with the Official Plan intent.

Michael then noted most objectors lived within hearing range of the subject property, adding if Council considered a blanket exemption it would have to be offered to all other commercial operations.

Michael then noted a person creating a noise was responsible for attenuation of the noise, adding Council could revisit the Noise By-law with all residents in mind.

Councillor Kennedy then noted there is a licenced 30 person patio in the front yard of the subject lands which without music may exceed noise standards at times, David noting complaints after 7:00 pm are responded to.

Council then voted on the Resolution, Carried.

Deputy Mayor McKinlay then assumed the Chair.

D.9 National Volunteer Week

Moved by: Michael Martin Seconded by: John McGee

THAT Council does hereby acknowledge the important role and contribution of volunteers in helping to make our community a better place, as well as the celebration of April 27 through May 3, 2008 as National Volunteer Week, Carried.

E. New and Unfinished Business

E.1 Grey County Council Update

Deputy Mayor McKinlay then reported Grey County Council is having a strategic planning session in The Blue Mountains next week.

E.2 Grey Roots Operations Update

Deputy Mayor McKinlay then reported that County Staff had prepared a PowerPoint presentation for Council which would be presented at a future meeting.

E.3 AMO Board of Directors Update

None

E.4 Notice of Motion

Councillor Gamble then questioned if Council should consider a response to the proposed pesticide and herbicide ban as the Harbour could easily be un-navigable if not sprayed, Director of Recreation Shawn Everitt noting the Harbour would not be affected as the application is considered non-cosmetic.

E.5 Additions to Agenda

Council then considered the following as an addition to the Agenda:

2008 Federation of Canadian Municipalities – Sustainable Communities Mission, CAO.08.09

Moved by: Michael Martin Seconded by: John McKean

THAT Council endorse Councillor McGee's attendance at the 2008 FCM Sustainable Communities Mission in British Columbia, Carried.

F. By-laws

1. 2008 Final Tax Rates

Moved by: Michael Martin Seconded by: John McGee

THAT By-law No. 2008 -37, being a By-law to establish the tax rates to raise the levy required for 2008 local municipality purposes and to provide for penalty and interest, be hereby enacted this twenty-eighth day of April, 2008, Carried.

2. Removal of Holding – h Symbol, The Lora Bay Corporation

NOTE: Councillor Martin declared a pecuniary interest with respect to Agenda Item D.3 and occasional employment of his spouse and vacated the Table and did not take part in related discussion or voting.

Moved by: Cameron Kennedy Seconded by: John McKean

THAT By-law No. 2008 -38, being a By-law to remove the Holding –h symbol from Blocks 66 and 67, Registered Plan 16M-17, The Lora Bay Corporation, be hereby enacted this twenty-eighth day of April, 2008, Carried.

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest (M Kennedy)

Reports List (Adopt)

3. Finance and Administration Committee, April 22, 2008

Chair Gamble then reviewed the Report, noting the proposed OPP satellite office. Deputy Mayor McKinlay then questioned if the building would be stand-alone, David Finbow replying yes.

Bob then noted the 2006 Municipal Performance Measures Program Report provides information for Council's consideration.

Council then dealt with the following Resolution:

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

THAT the Finance and Administration Committee Report of April 22, 2008 be adopted as circulated with the Recommendations contained therein approved, Carried.

4. Recreation Committee, March 13, 2008
5. Engineering and Public Works Committee, April 8, 2008
6. Engineering and Public Works Committee, April 22, 2008

Director of Engineering and Public Works Reg Russwurm then clarified that outstanding issues related to the Mountain Drive reconstruction project have been addressed and Recommendation No. 3 of April 22, 2008 can now be considered rather than defer the matter, Council concurring.

Council then dealt with the following Resolution:

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

THAT the Engineering and Public Works Committee Reports of April 8 and 22, 2008 be adopted as circulated with the Recommendations contained therein approved, Carried.

Minutes List (Receive)

None

H. Next Meeting Date(s)

Council May 12 (**BVCC**), 26, June 9, 23, July 14, August 18,
September 8, 2008
Planning Council May 5, June 2, July 7, September 3, 2008
All Council meetings to be at the Library unless otherwise noted

Engineering and Public Works Committee, May 13, 2008
Finance and Administration Committee, May 20, 2008
Recreation Committee, May 22, 2008

I. Closed Session

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

THAT with regard to subsection 239 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 review of the status of litigation matters involving the Town, Carried.

Council moved into closed session at 9:35 p.m.
Council rose from closed to public session at 9:56 p.m

J. Confirmation By-law and Adjournment

Councillor McKean then assumed the Chair for consideration of the Confirmation By-Law, it being noted Deputy Mayor McKinlay and Councillors Kennedy and Martin had each earlier declared a pecuniary interest and did not vote on the Confirmation By-law.

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

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

Moved by: John McGee Seconded by: Michael Martin

THAT this Council does now adjourn at 10:00 pm to meet again Monday, May 12, 2008, at 7:00 pm or at the call of the Chair, Carried.

.....
D. R. McKinlay, Deputy Mayor

.....
Stephen Keast, Clerk