

MINUTES: The Blue Mountains, Committee of the Whole Meeting



MEETING DATE: May 21, 2014
MEETING TIME: 1:00 p.m.
LOCATION: Town Hall, Council Chamber
PREPARED BY: Corrina Giles, Town Clerk

A. Call to Order

- Deputy Mayor McKinlay called the meeting to order with all members in attendance save Mayor Anderson and Councillor McKean, both absent due to previous commitments.

Also in attendance were Chief Administrative Officer Troy Speck, Director of Finance & IT Services Robert Cummings, Manager of Revenue Ruth Prince, Financial Accountant Renee Oullette, Financial Analyst Sam Dinsmore, Communications & Economic Development Coordinator Elizabeth Cornish, Director of Recreation Shawn Everitt, Director of Engineering & Public Works Reg Russwurm, Manager of Water & Wastewater Services John Caswell, Manager of Roads & Drainage Jim McCannell, Manager of Solid Waste & Environmental Initiatives Jeff Fletcher, Chief Building Official Greg Miller, Acting Director of Planning Jim Dymont and Planners Shawn Postma and Bryan Pearce.

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

- **Approval of Agenda**

Moved by: Michael Martin Seconded by: Joe Halos

THAT the Agenda of May 21, 2014 be approved as circulated, including any items added to the Agenda, Carried.

- **Declaration of Pecuniary Interest and general nature thereof**

No member declared a pecuniary interest with any matter on the Agenda save Councillor Ardiel with regard to Agenda Item B.5.1, Deputation - Access to Blue Water Storage Ltd. and Binkley Apples Ltd. Facilities and a family interest in Blue Water Storage.

- **Previous Minutes**

Moved by: R.J Gamble Seconded by: Gail Ardiel

THAT the Committee of the Whole minutes of April 28, 2014, be adopted as circulated, including any revisions to be made, Carried.

▪ **Adoption of Consent Agenda**

With the adoption of the Consent Agenda, all Recommendations found within the staff reports at Agenda items **B.3, B.7 and B.11** as listed below:

- B.3.1 Town Community Page Advertising, A.14.5
- B.11.1 Provincial Policy Statement 2014, PL.14.49
- B.11.2 Planning Applications – April 2014, PL.14.50
- B.11.3 Building permit Activity – March 2014, B.14.05
- B.11.4 By-Law Enforcement Activity – March 2014, BL.14.11
- B.11.5 By-Law Enforcement: Short Term Accommodation Activity – March 2014, BL.14.12

are then approved or received by the Committee of the Whole, as noted. The Consent Agenda content is available to the public when the Agenda is finalized but is not subject to discussion from the floor at this time, however, representations may be made at subsequent meetings on matters of interest.

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT the Consent Agenda of April 28, 2014 be adopted as circulated, less any items requested for separate review and discussion, being Agenda Item B.11.1 Provincial Policy Statement 2014, Staff Report PL.14.49, Carried.

B. Staff Reports, Deputations, Correspondence

**Finance, Administration and Fire Reports
To be chaired by Councillor Gail Ardiel**

B.1 Deputations, if any

B.1.1 KPMG Auditors

Re: Presentation of Audited Financial Statements

Matthew Betik then reviewed the audit findings report. Mathew then reviewed the scope of responsibilities and materiality, noting identified compliance with Gas Tax requirements although the Town did not expend Gas Tax funds in 2013.

Matthew then noted materiality in the amount of \$550,000 had been determined. Matthew then spoke to the audit focus and any presumed risk of fraud, noting there was no evidence of fraud.

Matthew then spoke to other areas of audit focus.

Matthew then spoke regarding the landfill expansion and liability, noting increased capacity has resulted in lower capacity used.

Matthew then spoke regarding misstatements, noting there were no uncorrected misstatements in the audit. Matthew then reviewed the independent letter, noting KPMG is independent from the Town in all other aspects.

Matthew then noted there were no significant changes in the consolidated Financial Statements over the prior year, and noted a greater amount of taxes was collected in 2013. Matthew then noted there was growth in assessment and taxation had increased.

Councillor Ardiel then thanked Matthew for his presentation.

Councillor Gamble then spoke to water and wastewater assets and future replacement and questioned if the Town was in a good position with reserves to address future asset replacement, Matthew replying such an assessment was not within the scope of the audit work.

Matthew then thanked Rob and Renee for their assistance during the audit, noting they were both very cooperative during the process.

B.2 Staff Reports

B.2.1 Monthly Financial Report – April 2014, FIT.14.31

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

THAT Council receive Staff Report FIT.14.31 “Monthly Financial Report – April 2014” for information purposes, Carried.

B.2.2 Award of Tender for the Supply and Delivery of Various Fuel Products RFT-TS-09-2014, FIT.14.27

Moved by: D. R. McKinlay Seconded by: Michael Martin

THAT Council receive Staff Report FIT.14.27 “Award of Tender for the Supply and Delivery of Various Fuel Products RFT-TS-09-2014”; and,

THAT Council authorize the award of the Tender for the Supply and Delivery of the Town’s Fuel to Wayne Bird Fuels at a price of \$0.0300/litre above the Daily Rack Price for Furnace Oil and \$0.0135/litre above the Daily Rack Price for various fuel products, excluding Federal Excise Tax (FET), Provincial Fuel Tax (PFT) and HST, for a contract period of two years commencing August 1, 2014; and,

THAT Council authorize the budget shortfall to be offset from efficiencies within Taxation, User Fee and User Rate supported departments.

FURTHER THAT Council authorize the Mayor and Clerk to execute the appropriate contract agreement as approved by the Town’s Solicitor, Carried.

B.2.3 Delegation of “head” under the Municipal Freedom of Information and Protection of Privacy Act, A.14.4

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

THAT Council receive Staff Report A.14.4 “Delegation of “head” under the *Municipal Freedom of Information and Protection of Privacy Act*”; and

THAT in accordance with section 3 and subsection 49(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended (“MFIPPA”), Council delegates all of its powers and duties as head under MFIPPA to the Town Clerk; and

THAT Council directs staff to bring forward a by-law to delegate all of its powers and duties as under MFIPPA to the Town Clerk and to rescind By-law No. 2000-95, being a By-law to designate Council as the head of the municipal corporation for the purposes of MFIPPA, Carried.

B.2.4 2014 Municipal Election – Authorize Use of Vote-Counting Equipment, A.14.06

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

THAT Council receive Staff Report A.14.06 “2014 Municipal Election - Authorize Use of Vote-Counting Equipment” for information; and

THAT Council direct staff to provide Council with a by-law authorizing the use of vote-counting equipment in accordance with the Municipal Elections Act, as amended, for the 2014 municipal election and subsequent municipal elections, Carried.

B.3 Finance, Administration and Fire “Information Reports” and correspondence to be considered in the adoption of the Consent Agenda

B.3.1 Town Community Page Advertising, A.14.5

THAT Council receive Report A.14.5 titled “Town Community Page Advertising” for information purposes, Carried.

B.4 Correspondence, if any

None

**Engineering & Public Works and Recreation Reports
To be chaired by Councillor Joe Halos**

B.5 Deputations, if any

**B.5.1 Don Dinsmore, General Manager, Blue Water Storage Limited
Re: Access to Blue Water Storage Ltd. and Binkley Apples Ltd. Facilities**

NOTE: Councillor Ardiel had earlier declared a pecuniary interest with regard to Agenda Item B.5.1, Deputation - Access to Blue Water Storage Ltd. and Binkley Apples Ltd. Facilities and a family interest in Blue Water Storage and did not take part in related discussion or voting.

Don then spoke, requesting an upgrade to the 33rd Sideroad to a full season status road for access to apple storage facilities. Don noted Blue Water Storage was established in 1966 and is one of the oldest apple facilities in the area. Don further noted the storage provides a key service to apple growers in accessing larger packing and processing markets throughout the year and applying weight restrictions during a period when long distance shipping intensifies causes a significant hardship to both the growers and the clients they serve.

Don then noted weight restrictions were posted on April 14 and remained until May 9 and during that period 86 half loads went across the 33rd Sideroad with the remainder of the load added in Thornbury with 28 of those, representing 14 full loads, went to Quebec, the remainder to Milton and Toronto.

Don then referred to a Peto MacCallum report attached to an April 28, 2014 Staff Report noting roadside ditches are generally shallow and culverts are filled with debris, the report noting no road base should be saturated with water in the frost zone during the frost season.

Don then noted it has been reported to be more than 25 years since the 33rd Sideroad was upgraded and the road requires ditch and culvert maintenance. Don then noted Blue Water is asking for full Council and Staff support in bringing the 33rd Sideroad to the status of a full season road and cleaning out the ditches and culverts would help.

Don then noted a meeting with Staff has been scheduled for June 9, adding John Ardiel is present today representing an apple grower group and Robert Taylor, Vice President of Blue Water is also present.

John Ardiel then spoke on behalf of the Georgian Bay Peeler Group made up of large apple growers. John noted the Group pools Spy apples for processing for the apple pie industry, further noting this is only one area of the market for the apple industry. John further noted Blue Water is considered one of the highest standard facilities in the area.

John then noted much of the fruit is shipped to Nova Scotia to large processing plants, where it would be cheaper to buy apples from Maine or New York State but as our area has had better apples for many years the apples are purchased here. John noted that half load restrictions have compromised the relationship with these plants.

Councillor Halos then thanked Don, John and Robert for their attendance.

Robert then spoke, noting in the past his Uncle Art Taylor, who was involved with Blue Water Storage, had requested the 33rd Sideroad be upgraded to better serve Binkley's and Blue Water Storage.

Joe then noted the businesses were very important to the Town, County and surrounding area.

Councillor Gamble then spoke, noting the Town promotes a strong apple growing community and we need to consider the load restrictions, adding the apple industry supports many in the community and we want to support this activity as much as we can.

Bob then suggested the Town proceeds for a few years with no load restrictions on the 33rd Sideroad and monitor the road for deterioration, adding we need to save the livelihoods of residents as well.

Deputy Mayor McKinlay noted the apple industry is important and apples need to be transported on a good smooth road. Duncan then noted we need more information about the road, further noting that Council has approved engineered testing of the roadbed and noted that ideally the whole road would be rebuilt.

John Ardiel then noted it would take time, adding he would support Councillor Gamble's suggestion, adding approximately 6 loads per day would not result in much damage to the road. Duncan spoke in response noting that the roadbed testing will give a good information on the road and he is hopeful that some repair could be done to bring the road up to standard, adding that the Town may have to seek Provincial funding to rebuild the road as jobs are a factor to consider.

Councillor Martin then noted he does not disagree with the discussion, adding that Council looks forward to helping out with the situation.

Bob then questioned the weight of a loaded truck, John replying 35 tonnes, Don adding the last load to Quebec had 7.3 tonnes per axle with 7 axles.

B.6 Staff Reports

B.6.1 Follow up to Correspondence received for Commercial Operations at Northwinds Beach, DOR.14.22

Moved by: D. R. McKinlay Seconded by: Michael Martin

THAT Council receive Report DOR.14.22 entitled "Follow up to Correspondence received for Commercial Operations at Northwinds Beach", for information purposes;

AND THAT Council direct staff to develop a Master Site Plan and operations strategy for Northwinds Beach in 2014 that is to review the consideration of permitting Commercial Operations in the future and that no Commercial Operations Permits shall be considered for 2014 for Commercial Operations, Carried.

B.6.2 Energy Conservation and Management Plan, EPW.14.039

Moved by: D. R. McKinlay Seconded by: Michael Martin

THAT Council receive Report EPW.14.039 entitled "Energy Conservation and Management Plan";

AND THAT Council adopt the goals and objectives of the Energy Conservation and Management Plan, May 2014, Carried.

B.6.3 Municipal Lands Use Permit By-law, EPW.14.038

Moved by: D. R. McKinlay Seconded by: Michael Martin

THAT Council receive Staff Report EPW.14.038, Municipal Lands Use Permit By-Law;

AND THAT Council enact a Municipal Lands Use Permit By-law so as to regulate Works on Municipal Land where such Works might interfere with operations, maintenance and construction activities and to ensure any damage to Municipal Land and Works is remediated as provided in Attachment 1 to Report EPW.14.038 and subject to the enactment of the applicable fees and charges amending by-law;

AND THAT Council direct Staff to initiate the public process to amend the By-Law for Fees and Charges to include those fees and charges related to a Municipal Land Use Permit as provide in Attachment 3 to Report EPW.14.038, Carried.

B.7 Engineering & Public Works and Recreation "Information Reports" and correspondence to be considered in the adoption of the Consent Agenda:

None

B.8 Correspondence, if any

None

Planning, Building and By-Law Enforcement Reports To be chaired by Councillor Michael Martin

B.9 Deputations, if any

None

B.10 Staff Reports

B.10.1 “Bridges Tavern”, 27 Bridge Street East – Noise By-law Relief Request, BL.14.13

Moved by: R.J. Gamble Seconded by: Gail Ardiel

THAT Council receive Staff Report B.14.13 respecting “Bridges Tavern”, 27 Bridge Street East – Noise By-law Relief Request and grant the request as follows:

Every Tuesday from May 6th thru October 28th: Acoustic Jam session, 8:00pm – 10 p.m., and
Every Friday & Saturday evening from May 10th thru October 25th until 11p.m., and
Sunday of long weekends in May through October until 11p.m.,

Carried.

B.10.2 Application for Zoning By-law Amendment Grey Condominium Corporation #37 Mountain Springs, 796468 Grey Road 19, PL.14.39

Moved by: D. R. McKinlay Seconded by: Joe Halos

THAT Council receive Staff Report PL.14.39 “Application for Zoning By-law Amendment, Grey Condominium Corporation #37, Mountain Springs, 796468 Grey Road 19, Town of The Blue Mountains”; and,

THAT Council enact a Zoning By-law with the following provisions:

1. That the maximum floor area for the Gatehouse building shall remain at 635 square metres
2. That eating establishments and a check-in desk for off-site cottage/chalet rentals and uses accessory to the permitted uses be added to the list of permitted uses within the Gatehouse building only.
3. That the meeting rooms, eating establishments and check-in desk for off-site cottage/chalet rentals may be used by the commercial resort unit patrons and guests and by the general public.
4. That the maximum floor area for the Eating Establishment shall be 130 square metres.
5. That the maximum floor area for the Conference and Meeting Rooms shall be 187 square metres
6. That the maximum number of units to be serviced by the check-in desk for off-site cottage/chalet rentals shall be fifty (50) units.
7. That the existing laundry facility within the Block 2 building can also be used for the cleaning and transfer of laundry materials related to the off-site cottage/chalet rentals,

Carried.

B.10.3 Application for Zoning By-law Amendment – Georgian Woodlands Phase IV, Stage 2, PL.14.53

Moved by: Joe Halos Seconded by: Gail Ardiel

THAT Council receive Planning Staff Report PL.14.53 respecting “Application for Zoning By-law Amendment – Georgian Woodlands Phase IV, Stage 2; Lots 22 and 23; Town of The Blue Mountains”;

AND THAT Council enact a Zoning By-law Amendment to rezone the certain lands from the Residential Third Density Holding (R3-h) Zone and Public Open Space (OS1) Zone to the Residential Third Density Holding (R3-h) Zone and Public Open Space (OS1) Zone, so as to facilitate the relocation of a proposed public walkway with the draft plan of subdivision, Carried.

B.11 Planning and Building “Information Reports” and correspondence to be considered in the adoption of the Consent Agenda:

B.11.1 Provincial Policy Statement, 2014, PL.14.49

Moved by: D. R. McKinlay Seconded by: Joe Halos

THAT Council receive Planning Staff Report PL.14.49 respecting “Provincial Policy Statement, 2014” for information purposes, Carried.

B.11.2 Planning Applications – April, 2014, PL.14.50

THAT Council receive Staff Report PL.14.50, “Planning Applications – April, 2014, Carried.

B.11.3 Building Permit Activity – March 2014, B.14.05

THAT Council receive Staff Report B.14.05 “Building Permit Activity: March 2014” for information purposes, Carried.

B.11.4 By-law Enforcement Activity – March 2014, BL.14.11

THAT Council receive Staff Report BL.14.11 “By-law Enforcement Activity – March 2014” for information purposes, Carried.

B.11.5 By-law Enforcement: Short Term Accommodation Activity – March 2014, BL.14.12

THAT Council receive Staff Report BL.14.12 “By-law Enforcement: Short Term Accommodation Activity – March 2014” for information purposes, Carried.

B.12 Correspondence, if any

None

C. 5:00 PM Public Meetings / Deputations

Under the authority of the Municipal Act, 2001 and in accordance with Ontario’s Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the Town of The Blue Mountains wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the Town’s website and or/ made available to the public upon request.

C.1 Statutory Public Meetings

None

C.2 Deputation

None

D. New and Unfinished Business

D.1 Notice of Motion

Council

Councillor Martin provided the following two Notices of Motion at the May 12, 2014 Council Meeting. In accordance with the Town`s Procedural By-law a notice of motion will be treated as any other motion, requiring a Mover and a Seconder for the Motion to be put before Council:

D.1.1 Environmental Assessment, Grey Road 2, Highway #26 and Clark Street

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT Council of the Town of The Blue Mountains directs staff to provide a report noting why R.J. Burnside & Associates Limited did not include Clark Street as an additional option to the Environmental Assessment for Grey Road 2, Highway #26 and Clark Street, the extension of Clark Street north easterly along the original road allowance to Highway #26 and incorporate a "T" intersection at Clark Street and Grey Road 2, Carried.

D.1.2 Environmental Assessment Costs, Grey Road 2, Highway #26 and Clark Street

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

THAT Council of the Town of The Blue Mountains direct R.J. Burnside & Associates Limited to report to Council all options involving the Environmental Assessment for Grey Road 2, Highway #26 and Clark Street, prior to any staff recommendation being presented to Council, with full cost estimates including land acquisitions, Carried.

D.2 Additions to Agenda

None

E. Notice of Meeting Dates

Council Meeting, June 2, 2014
Town Hall, Council Chamber

Committee of the Whole Meeting, June 9, 2014
Town Hall, Council Chamber

F. Adjournment

Moved by: Gail Ardiel Seconded by: Michael Martin

THAT this Committee of the Whole meeting does now adjourn at 3:52 p.m. to meet again June 9, 2014, Town Hall, Council Chamber, or at the call of the Chair, Carried.

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Duncan R. McKinlay, Deputy Mayor

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Corrina Giles, Town Clerk