

## Minutes - The Blue Mountains Council Meeting



**MEETING DATE:** June 8, 2009  
**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 and Councillor Kennedy, both absent due to attendance at a municipal conference.
- Also in attendance was Director of Planning and Building Services David Finbow, Director of Financial & Information Services Robert Cummings, Manager of Water & Wastewater Services John Caswell, Deputy Treasurer Elizabeth Thompson and Capital Accountant Darcy Chapman
- Council then paused for a moment of Personal Prayer or Reflection.
- Approval of Agenda:

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

THAT the Agenda of June 8, 2009 be approved as circulated, including any items added to the Agenda, unanimously Carried.

The Clerk then noted an addition to the Agenda, being Report A.09.06, Appointment of Acting Fire Chief.

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Councillor McKean with regard to Agenda item G.2, Accounts and a cheque payable to his place of employment and Councillor McGee with regard to Agenda item F.2 and G.4 and his place of worship.
- Adoption of Consent Agenda

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

THAT the Consent Agenda of June 8, 2009 be adopted as circulated, less any items requested for separate review and discussion, Carried.

NOTE: Councillor McKean declared a pecuniary interest with regard to Agenda item G.2, Accounts and a cheque payable to his place of employment and Councillor McGee declared a pecuniary interest with regard to Agenda item F.2 and G.4 and his place of worship and neither member discussed or voted on the matter.

Previous Minutes

Moved by: John McGee                      Seconded by: Michael Martin

THAT the Council minutes of May 25, and Special Council Meeting of May 21, 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 MEETING** - Capital water and sewer charges for the use of the Town's water and sewage system (Lora Bay Service Area)

Deputy Mayor McKinlay then called the Public Meeting to order and noted that the Public Meeting would consider proposed By-Laws that will impose capital water and sewer charges to benefiting property owners for the use of the Town's water and sewage system within the Lora Bay Servicing Area.

The proposed By-laws will be presented to Council for adoption at the Regular Meeting on June 22, 2009 and will affect the property owners listed on Schedule "B" of the proposed by-laws. Drafts of the proposed By-Laws were earlier provided to benefitting property owners along with the Financing Options and related schedules. Alternatively, copies of same are available by contacting the Town Office and/or at this meeting.

Capital Accountant Darcy Chapman then reviewed the history of the Lora Bay Development Charge Background Study and review of benefiting properties, noting the proposed By-Law was circulated to 367 current and future benefiting landowners.

Darcy noted a Staff Report detailing questions and answers from a previous Public Information Centre was compiled and would be before Council later this evening.

Darcy further noted Staff reviewed the Lora Bay Background Study and some errors were found in a water capital sheet affecting Cameron Street landowners resulting in slightly changed amounts to be charged. Darcy further noted wastewater charges that applied to Service Area 3 were inadvertently shown in Service Area 2.

Darcy then noted that revisions to the By-law will require a further By-law to be produced together with circulation to the public regarding a second statutory Public Meeting proposed for July 6 with By-laws to be considered by Council on July 13.

Darcy further noted comments from the public could still be heard at this time.

Darcy then reviewed the revised figures and Service Areas for those in attendance, noting Service Area 1 is the entire Lora Bay area except for Cameron Street. Darcy then noted revised figures for water and wastewater for Service Area 1, Service Area 2 (Cameron Street West) and Service Area 3 (Cameron Street East), noting residents in Areas 2 and 3 do not have wastewater service at this time with charges to apply at the time of installation.

Councillor Gamble then questioned the number of properties per area, Darcy replying Cameron Street West consists of 46 properties, Cameron Street East consists of 72 properties and Service Area 1 consists of 293 properties.

Deputy Mayor McKinlay then asked if any member of the public wished to speak.

Sara Jessop, Cameron Street, then questioned the current costs for Service Area 3, Darcy replying the sewer costs would be \$7,299 plus a plant charge of \$5,998.

Sara then questioned the proposed water charges to residents, Duncan explaining future and current benefitting landowners.

Sara then stated the proposed By-Law addresses benefiting landowners only in Section 9, Darcy replying that is correct, Sara further noting she is a future benefiting property owner for wastewater and currently benefiting from water.

Ron Mikulik of Service Area 2 then noted the existing water service on Cameron Street and questioned why the Town did not apply for infrastructure funding for both water and wastewater construction.

Darcy then noted the \$1467 water charge is by and large the cost of a reservoir which is not yet construction-ready and would not be started for the next couple of years.

Ron then questioned if there was grant funding available later would benefiting property owners receive a refund, Deputy Mayor McKinlay replying it is possible.

Ron then questioned why taxation would not be a source of funding for the project, Duncan noting taxation and user fee systems are accounted completely separately.

Duncan then continued that the Development Charges Act allows for collection for development charges for new development, Ron replying the impact of new development on existing development should be included in any development charge.

Duncan then noted new development does not have to pay for benefits or improvements that existing landowners would receive.

Ron then noted he had never seen such a proposed charge in Orangeville, Duncan noting the Town of The Blue Mountains water system has certain challenges and impediments and does not feature the density of users that an urban system would.

Jacque Morrison of Cameron Street then spoke, noting the proposed July 6 Public Meeting would be difficult for non-residents to attend.

Jacque continued that Councillors should have attended the Public Information Centre and further questioned how much of the proposed infrastructure would be required if Lora Bay had not been developed, with residents hearing about the proposed charges very late in the process.

Darcy then noted the statutory Public Meetings are usually held during a regular Council meeting, Duncan noting the Public Information Centres are routinely held on a Saturday for easier access, adding written concerns are as valid as attendance.

Duncan then noted all the planning and servicing proposals have been very public to date.

Darcy then spoke regarding the Lora Bay development, noting the Town undertook an Environmental Assessment beginning in 1999 to assess servicing of the entire Lora Bay Service Area and it was proposed to fully service the Area before the development by Lora Bay Corporation. Darcy continued that he did not believe it would cost any less if the Lora Bay Corporation did not develop.

Ellen Yurick then questioned when servicing would come to the 39<sup>th</sup> Sideroad in Service Area 1, Darcy noting it was in the 10-20 year period.

Ellen then questioned where the Public Information Centre question and answer information would be available, Darcy replying the Report on the website.

Sara Jessop then noted taxation and development should help to pay for water and wastewater servicing of existing development and residents should benefit from new development, not pay for it.

Mike Stoneham then spoke, agreeing with Jacquie Morrison and questioned if it was normal for residents to pay ahead of time for infrastructure that was not built, Darcy replying the costs included the reservoir but also an upgraded Peel Street waterline with reservoir engineering costs being incurred at present, Mike noting it appeared to be an inconsistent process.

Duncan then clarified the Peel Street waterline would have been expanded at some point to allow for fire protection, further noting residents paying a deferred benefit for a planned project has occurred in the past.

Earl Melby- Hansen of 121 Lake Drive then questioned what the Lake Drive construction schedule is, John Caswell replying the project is at the tender stage at this time, approximately two to three weeks behind.

Ron Mikulik then questioned the Peel Street waterline upgrade and if it was related to the fire protection issue, John Caswell replying it provided flow for the whole Service Area as well as fire protection.

Ron then questioned if there was adequate flow for fire protection or if the deficiency occurred because of the Lora Bay development, John Caswell replying the Lora Bay Service Area would have required increased flow at some point regardless of what lands were developed, and the Ministry of the Environment could have ordered that wastewater servicing be installed at any time.

Duncan then clarified the existing waterline was constructed many years ago and to engineering standards of the day, Ron acknowledging the situation but still objecting to taxation not contributing to the project.

Sara then questioned timing of the proposed By-Law, Duncan noting the entire process will now be repeated.

Ron Mikulik then questioned the due date payment, Darcy noting the date would move forward accordingly, with revised information to be provided to residents, a second statutory Public Meeting to be held with no second Public Information Centre proposed.

Mike Stoneham then questioned why there would not be a second Public Information Centre, Duncan replying it would be considered.

Dian McGowan, Cameron Street, then noted she was unaware of any plant charge associated with the wastewater charge and noted there should be a second Public Information Centre.

Sara Jessop then questioned what residents could do to stop the proposed By-Laws, Darcy noting there was no appeal process for the benefitting charges.

Duncan then noted there may be another Public Information Centre but there would be another Public Meeting and Council will consider a reasonable By-Law.

Sara then stated the proposed By-Law is not fair and represents a development cost passed on to residents.

Darcy then noted there is a 40 day appeal period related to the Lora Bay Development Charges By-Law which has to be amended as part of this proposal.

Brian Kennedy then questioned how the engineering was calculated for the project including pre and post fire flows and water treatment plant clear well capacity calculation, Duncan noting engineering analysis was included in the Development Charges Background Study.

Manager of Water and Wastewater Services John Caswell noted any questions could be addressed by Staff.

Brian then noted wastewater construction in the future could be considered as an infrastructure funding project.

Ron Mikulik then questioned if fire protection was designed into the system 25 years ago, residents should not have to pay for it now, Duncan noting answers to these questions could be researched for further information.

John Caswell then noted a Thornbury reservoir was previously constructed and charges were levied to Thornbury residents.

Jacquie Morrison then questioned the proposed interest rates of 6%, Duncan noting it was an estimate based on what the Town would have to pay to borrow when the project proceeds.

Darcy then noted the estimate was based on the April, 2009 rates over a 20 year term.

Mike Stoneham then stated a 20 year capital infrastructure program should be applied to the entire Town in a manner like taxation, adding no one has requested sanitary servicing on Cameron Street.

Don Stevens then questioned if Town engineers reviewed the matter with development engineers, Duncan noting there was no negotiation, rather Council has been looking at various Service Areas over the long-term to determine what servicing should be constructed.

Darcy then noted the Town has to work under the Development Charges Act and the maximum allowable amount is charged.

Brian Kennedy then questioned what proportion of the water and wastewater rates goes toward capital improvements, Darcy noting 10 to 12%.

John Caswell then noted the engineering consultant for the Environmental Assessment process to review servicing was selected through an open process.

As no one further wished to speak, Deputy Mayor McKinlay noted Council will further consider the proposed Public Meeting and Public Information Centre and declared the Public Meeting to be adjourned.

### **C. Correspondence as previously circulated**

Council then dealt with the following Resolution:

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

THAT this Council does hereby receive the Correspondence of May 25, 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.

In speaking to the Motion, Councillor Martin referred to Agenda Item C.4 and noted the Georgian Cycle and Ski Association do not own the Georgian Trail and Council did not authorize a Grant Funding Application and a further Staff Report should be forthcoming. Michael continued that if the Georgian Trail Board of Management did not make an Application they would not have the right to levy the public for a cost share of the project.

Councillor Gamble then noted the Cycle and Ski Association made the Application to access the funds and the Board of Management by agreement is funded by the three municipalities.

Bob continued that any funding the Association receives will be turned over to the Board of Management, adding the proposed municipal share would represent funds to cover shortcomings at present and would be reconciled over the next few years.

Michael then noted the Board of Management mandate does not appear to be clear, Bob noting any additional funding would have to be approved by the respective Councils.

Council then voted on the Resolution, unanimously Carried.

#### **D. Motions and Staff Reports**

##### **D.1 Lora Bay Water and Sanitary Sewer Works Public Information Centre, FIS.09.31**

Council then dealt with the following Resolution:

Moved by: John McKean                      Seconded by: John McGee

THAT Council receive Staff Report FIS.09.31, "Lora Bay Water and Sanitary Sewer Works Public Information Centre for information purposes.

In speaking to the Motion, Councillor Gamble noted there was concern experienced earlier that Council was not in attendance at the Public Information Centre but he had previous commitments and he had concern with the comments.

Deputy Mayor McKinlay then noted that unfortunately Council had other commitments but Staff represented the Town well and provided the question and answer information from the Public Information Centre to Council.

Council then voted on the Resolution, unanimously Carried.

##### **D.2 Capital Sewer Charge – Grey Road 19 and Craigleith Road Sanitary Sewer Works, FIS.09.32**

Council then dealt with the following Resolution:

Moved by: John McGee                      Seconded by: John McKean



Bob then questioned if the Council and employee Code could be the same, Councillor Martin replying the two groups have different interests.

Council then voted on the Resolution, unanimously Carried.

#### **D.4 Joint Beaver River Ice Management Committee Dissolution**

In speaking to the matter, Councillor Martin reported on the last Joint Beaver River Ice Management Committee meeting, noting it was agreed the Committee would be dissolved and members agreed to continue to work with Staff, it being recognized that the Town and the Grey Sauble Conservation Authority are doing their jobs in this matter.

Council then dealt with the following Resolutions:

Moved by: Michael Martin      Seconded by: John McKean

THAT the Joint Beaver River Ice Management Committee be dissolved and all responsibilities for matters of the former Committee be transferred to the Infrastructure and Recreation Committee except for any matter which Council may by resolution from time to time designate to be a responsibility of Council, unanimously Carried.

#### **D.5 Joint Beaver River Ice Management Committee Members**

Moved by: Michael Martin      Seconded by: John McGee

WHEREAS the Joint Beaver River Ice Management Committee was dissolved by Council; and

WHEREAS certain members of the Committee were appointed members by Council and not elected Councillors;

NOW THEREFORE Council hereby is pleased to thank and express its appreciation to the appointed members of the Committee for all their efforts, time and interest in acting as Committee members in the interests of the Town; and

THAT the former members are hereby invited to consider acting as an advisory committee to the Infrastructure and Recreation Committee concerning the Town's ice management plans and programs.

In speaking to the Motion, Deputy Mayor McKinlay thanked all those who worked with the Committee regarding Clarksburg ice management issues and who will continue to assist with ice issues.

Council then voted on the Resolution, unanimously Carried.

### **E. New and Unfinished Business**

#### **E.1 Grey County Council Update**

Deputy Mayor McKinlay then reported on a pending County meeting with the Minister of Natural Resources regarding planning matters.

#### **E.2 Notice of Motion**

None

### **E.3 Additions to Agenda**

Council then dealt with Report A.09.06 and the following Resolution as an addition to the Agenda.

Moved by: Michael Martin      Seconded by: John McGee

THAT Council receive Staff Report A.09.06, "Appointment of Acting Fire Chief" for information purposes and appoint Fire Inspection Officer Allan J. Lake as Acting Fire Chief until the return of Fire Chief Ron Doherty to active duty or for a period of 30 days from this date, whichever occurs first, unanimously Carried.

## **F. By-laws**

### **F.1 Parking Regulation**

Council then dealt with the following Resolutions:

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

THAT By-law No. 2009 – 37a, being a By-law to regulate the parking of vehicles on certain roads from July 6 through July 12, 2009 with respect to the 2009 Ford Wayne Gretzky Golf Classic, be hereby passed this eighth day of June, 2009, unanimously Carried.

### **F.2 Zoning By-law Amendment, Grace United Church, Bruce Street**

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

THAT By-law No. 2009 - 38, being a By-law to rezone Town Plot Part Lot 5 and Part Lot 6, Napier E/S, 138 and 140 Bruce Street South from the Institutional Zone to the Institutional I Zone and Residential R2 Zones and to establish new minimum front yard and interior sideyard setbacks and lot frontage as conditions of Consent B10-2009, be hereby passed this eighth day of June, 2009, Carried.

NOTE: Councillor McGee declared a pecuniary interest with regard to the By-law and his place of worship and did not take part in related discussion or voting on the matter.

### **F.3 Zoning By-law Amendment, Ochocinski, Lot 2, Plan 1034**

Moved by: Michael Martin      Seconded by: John McKean

THAT By-law No. 2009 - 39, being a By-law to rezone Lot 2, Plan 1034, to establish a new minimum lot frontage and building envelopes for the severed and retained lots as conditions of Consent B07-2009, be hereby passed this eighth day of June, 2009, unanimously Carried.

### **F.4 Official Plan Amendment 15, The Neighbourhoods at Delphi Point**

Moved by: John McGee      Seconded by: Michael Martin

THAT By-law No. 2009 - 40, being a By-law to adopt Official Plan Amendment No. 15, The Neighbourhoods at Delphi Point,, Parts 2, 3, 5, 6, 8 and 9, 16R-1075, to

redesignate the lands to the Secondary Residential SEC.R-19 designation, be hereby passed this eighth day of June, 2009, unanimously Carried.

#### **F.5 Zoning By-law Amendment, The Neighbourhoods at Delphi Point**

Moved by: John McKean                      Seconded by: John McGee

THAT By-law No. 2009 - 41, being a By-law to rezone The Neighbourhoods at Delphi Point,, Parts 2, 3, 5, 6, 8 and 9, 16R-1075, from the Residential R4 to the Residential R7-h Zone, be hereby passed this eighth day of June, 2009, unanimously Carried.

#### **F.6 Zoning By-law Amendment, Scenic Caves Nature Adventure**

Moved by: Michael Martin                      Seconded by: John McGee

THAT By-law No. 2009 - 42, being a By-law to rezone Part Lots 13 to 15, Concession 2 & 3, 45636697 Ontario Limited, Scenic Caves Nature Adventure, to modify Exception 45 so as to also permit a maximum 140 square metre, one storey office building to be located a minimum distance of 16 metres from the front lot line, be hereby passed this eighth day of June, 2009, unanimously Carried.

### **G. Consent Agenda**

#### **Accounts**

1. Accounts
2. Invoices separated for pecuniary interest (Sadler's Haulage)

#### **Reports List (Adopt)**

3. Infrastructure and Recreation Committee, May 26, 2009
4. Planning and Building Committee, June 1, 2009

#### **Minutes List (Receive)**

5. Source Protection Committee, April 24, 2009

### **H. Notice of Meeting Dates**

Council June 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**

Finance and Administration Committee, June 24, 2009  
Infrastructure and Recreation Committee, June 23, 2009  
Planning and Building Committee, July 6, 2009

### **I. Confirmation By-law and Adjournment**

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

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

THAT By-law No. 2009 - 43, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on June 8, 2009, be hereby enacted as passed this eighth day of June, 2009, Carried.

NOTE: Councillors McGee and McKean had both earlier declared a pecuniary interest and did not take part in related discussion or voting with regard to the Confirmation By-law.

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

THAT this Council does now adjourn at 8:49 p.m. to meet again June 22, 2009, 7:00 pm, L.E. Shore Library, or at the call of the Chair, unanimously Carried.

.....  
Duncan R. McKinlay, Deputy Mayor

.....  
Stephen Keast, Clerk