

Minutes The Blue Mountains Council Meeting



MEETING DATE: June 11, 2012
LOCATION: Town Hall, Council Chamber
PREPARED BY: Corrina Giles, Town Clerk

A. Call to Order

- Mayor Anderson called the meeting to order with all members in attendance save Deputy Mayor McKinlay absent due to a previous commitment and Councillor Gamble absent due to illness.

Also in attendance were CAO Troy Speck, Director of Engineering & Public Works Reg Russwurm, Director of Planning & Building Services David Finbow, Director of Recreation Shawn Everitt, Director of Finance & IT Services Robert Cummings, Manager of Water & Wastewater Services John Caswell, Chief Librarian Carol Cooley Manager of Human Resources Tracey McKenna, Town Solicitor John Metras, Capital Accountant Darcy Chapman, and Planner Shawn Postma

- Council then paused for a moment of Personal Prayer or Reflection.
- Approval of Agenda:

The Clerk noted the June 11, 2012 Council Meeting Agenda had been revised and that the revised Agenda was posted to the Town's website earlier today, an email circulation was sent out earlier today and revised copies of the Agenda are provided for members of the public.

Moved by: Joe Halos Seconded by: John McKean

THAT the revised Agenda of June 11, 2012 be adopted as circulated, including any revisions to be made, Carried.

B. Closed Session

Moved by: Ellen Anderson Seconded by: Michael Martin

THAT, with regard to subsection 239 of the *Municipal Act, 2001*, this Council does now move into closed session in order to address matters pertaining to:

- 1) personal matters about an identifiable individual, including Town or local board employees and with regard to personnel matters; and
- 2) the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose related to negotiation of a contract for services.
- 3) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and with regard to matters surrounding a possible appeal of a planning application, Carried.

Council moved into closed session at 5:32 pm.
Council moved into public session at 6:20 pm.

Moved by: Joe Halos

Seconded by: Michael Martin

THAT the meeting recess until 7:00 p.m., Carried.

C. Call to Order

- Council then paused for a moment of Personal Prayer or Reflection.
- No member declared a pecuniary interest with any matter as listed on the agenda save Councillor McKean regarding Agenda Item G.1 and G.2 Accounts and Invoices and his place of employment.
- Adoption of Consent Agenda

Moved by: Michael Martin

Seconded by: Gail Ardiel

THAT the Consent Agenda of June 11, 2012 be adopted as circulated, less any items requested for separate review and discussion, Lost.

Councillor McKean did not vote, having earlier declared a pecuniary interest.

Moved by: Joe Halos

Seconded by: Gail Ardiel

THAT the Consent Agenda of June 11, 2012 be adopted as circulated, less any items requested for separate review and discussion, being Agenda Item G.3 Planning and Building Committee Report dated June 6, 2012, Carried.

Councillor McKean did not vote, having earlier declared a pecuniary interest.

- Previous Minutes

Moved by: Gail Ardiel

Seconded by: John McKean

THAT the Council minutes of May 28, 2012, be adopted as circulated, including any revisions to be made, Carried.

There was no business arising from the Minutes at that time.

Mayor Anderson then requested Councillor McKean chair the meeting.

D. Public Meeting / Deputations

D.1 Public Meeting:

Re: By-Law to Impose Capital Water Charges for the use of the Town's water system for a single future benefitting property, being Lot 43, Plan 320

Chair McKean read the Notice of a Public Meeting to Impose the Capital Water Charge for Use of the Town's Water System noting that Council of The Corporation of the Town of The Blue Mountains will hold a Public Meeting at the Regular Meeting of Council, Monday, June 11, 2012 at 7:00 pm at the Town Hall, 32 Mill Street, Thornbury to consider the proposed By-law to impose capital water charges for the use of the Town's water system for a single future benefitting property (Highway 26 Service Extension Area – Lot 43, Plan 320).

John noted that should you be unable to attend the Public Meeting, written comments can be submitted to the Clerk in support of, or opposition to, the proposed By-law. John noted that the proposed By-law will be presented to Council for adoption at the Regular Meeting on June 25, 2012 and that only the benefitting property owner will be included in the proposed By-law.

The Clerk then spoke noting that the Notice of the Public Meeting was posted on the Town's website and delivered to the benefitting property owner via email. The Clerk noted no comments were received in response to the Notice.

Chair McKean asked if any member of the public would like to comment on the proposed By-Law. As no one wished to speak Chair McKean declared the Public Meeting closed.

D.2 Cathy Innes, Chair, Blue Mountains Library Board
Re: Update on Library Board and Library activities

Cathy spoke providing an update to Council for The Blue Mountains Public Library Board and the activities at the Library. Cathy thanked Councillors Martin and Halos for their participation on the Library Board and recognized the Board members present.

Cathy noted the Board is a good mix of community members and noted the Library must comply with the *Municipal Act* and the *Libraries Act*.

Cathy provided a summary of Board Governance activities and achievements from January 2011 to June 2012, and noted consistent opening hours is seen as a benefit to the community and referenced the possibility of opening in the evenings in the future.

Cathy noted the Beaver Valley Community School children and the Beaver Valley Preschool often visit the Library, further noting the Library supports community programs.

Cathy then referenced the Blue Mountain Public Library Books and Beyond logo and noted popular e-books are being offered to library members.

Cathy noted free internet service is offered at the Library and noted the Library is as barrier free as is possible.

Cathy then noted financial activity is important and noted the Board is working to ensure Council are confident in the Board's fiscal management.

Cathy then spoke regarding governance and planning and noted the Board is moving smoothly to meet the needs of the community.

Cathy spoke regarding the future of the Library and noted a Space Needs Analysis identified many areas that require expansion and noted the target date for the expansion is 2020.

Cathy then provided the statistics of visitors to The Blue Mountains Public Library and invited all to attend the Library's Annual Parking Lot Party on June 22.

Chair McKean thanked Cathy for her presentation. Mayor Anderson spoke noting she often hears positive feedback about the Library, further noting it is a great place for all.

D.3 Jason Wepler, Health Promoter, Grey Bruce Health Unit
Re: Smoke Free Outdoor Spaces By-law

Jason spoke regarding the proposed smoke free by-law, providing the background of the proposed by-law.

Jason noted that protection, prevention and cessation are the three main components of the strategy and the main component is to protect residents from the effects of second hand smoke.

Jason noted that youth voices are important and that over the last ten years, the number of youth smokers has been declining. Jason noted effects on the environment are of concern too.

Jason noted there is no safe level of second hand smoke outdoors and noted the public supports tobacco free outdoor spaces.

Angela Neuman of the Grey Bruce Health Unit then spoke noting some Grey County municipalities have adopted policies to support smoke-free outdoor spaces, further noting the Grey Bruce Health Unit would like to see a smoke-free outdoor by-law across both Grey and Bruce Counties. Angela then confirmed that the proposed by-law suggests a 9 metre smoke-free radius from public building doorways and entrances, and beaches.

Angela then referenced the City of Woodstock outdoor-spaces by-law noting it has had no economic impact on its facilities and noted residents seem to adjust.

Angela then spoke regarding enforcement of the by-law noting it is mainly self-enforced when paired with public education. Angela further noted that the Grey Bruce Health Unit could assist with enforcement through its Public Health Inspector.

Angela then noted that the steps proposed include an education phase, awareness and then enforcement. Angela advised that 18% of Grey Bruce residents smoke.

Councillor Ardiel then spoke questioning if other communities are passing similar by-laws, Angela replying that the Town of Collingwood has a similar by-law that has been in place for some time, further noting that the Health Unit hopes that once municipalities are on board, that the Province will do the same.

Mayor Anderson questioned the proposed fines and penalties associated with the by-law, Angela noting that if a by-law is passed at the County level that a fine structure could be struck at that time.

Chair McKean then questioned if there are any statistics available on the demographics of the 18% of smokers in Grey Bruce, Angela replying no. John then thanked the Grey Bruce Health Unit for their presentation.

D.4 Gordon Russell and John Tennant, Planners Re: Telfer Homes Inc. and Agenda Item G.3 Planning & Building Committee Report

Gordon Russell spoke providing Council with the background of the Telfer Homes development, noting that a lower density is proposed with a range of housing stock, moving the development closer to the street and confirmed the site is serviced by sewer and water, with transportation concerns addressed.

Gordon noted that the Planning and Building Committee at its June 4 Council Meeting deferred decision of the Zoning By-Law Amendment until further information regarding the consent is received. Gordon noted the developer has since withdrawn its consent application to enable and promote the zoning by-law amendment and site plan development application.

Gordon then noted that Council now has an opportunity to consider the Planning Report to enact the zoning by-law amendment and site plan application.

Gordon then thanked Council for hearing his deputation.

John Tennant, Planner, then spoke regarding the proposed development and noted this has been a long exercise and confirmed the proposed development conforms to the Town's official plan. John noted the developer has worked closely with the Town, taken the interests of the community into consideration and noted the consent application seemed to have confused the matter. John noted the consent was not necessary to the development and it has now been withdrawn. John noted the developer is seeking approval from Council.

Chair McKean then thanked Gordon and John for their deputation.

E. Correspondence as previously circulated

Author	Recommendation / Action
E.1 Town of Collingwood Re: 2012 Ontario Winter Games, Thank you for support	Received for information

Moved by: Michael Martin Seconded by: Joe Halos

THAT this Council does hereby receive the Correspondence of June 11, 2012 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.

F. Motions and Staff Reports

F.1 Windfall Development Financing, FIT.12.37

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT Council receive Staff Report FIT.12.37, "Windfall Development Financing" for information purposes, unanimously Carried.

Moved by: Ellen Anderson Seconded by: Gail Ardiel

THAT with regard to Staff Report FIT.12.37 "Windfall Development Financing", Council direct Staff to make no changes to the draft front-ending agreement with Windfall GP Inc.

Councillor Halos then spoke questioning if other municipalities have opted to use section 5.1 of Ontario's Police Services Act wherein the municipality does not provide police services and the OPP then provides services to the municipality at the municipality's expense, further noting he would be interested in this information.

Council then voted on the Motion, Carried.

Chair McKean then questioned if Council has any further input for Mr. Speck, Mayor Anderson noting it is important for Council to communicate clearly with Staff.

Troy then spoke noting the current police contract ends December 2012 and noted he is seeking input from Council as to what should be included in the new contract.

John then concurred with Councillor Halos that he would be interested in receiving information on the number of municipalities proceeding in accordance with Section 5.1 of the Police Services Act, Troy replying he will provide this information to Council.

F.4 Agricultural Advisory Committee ("AGAC") Recommendation (See AGAC Minutes at Agenda Item G.5)

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT Council adopt the recommendation of the Town of The Blue Mountains Agricultural Advisory Committee of April 10, 2012 supporting the resolution of the Municipality of Clarington requesting that the Government of Ontario work with the horse racing industry to reinstate and improve the Slots at Racetracks Program with its revenue sharing agreement to sustain and grow the horse racing industry to the benefit of our communities, unanimously Carried.

G. Consent Agenda

Accounts

- G.1 Accounts
- G.2 Invoices separated for pecuniary interest
(Miller Waste Systems and South Paw)

Reports List (Adopt)

- G.3 Planning and Building Committee Report, June 6, 2012

Moved by: Michael Martin Seconded by: Joe Halos

THAT the Planning and Building Committee Report dated June 6, 2012 be adopted together with the recommendations contained therein, save and except item C.2, C.3 and C.7 of the Report, unanimously Carried.

C.3 Thornbury Meadows (Telfer) - Consent Application Update – PL.12.78

Moved by: Joe Halos Seconded by: Michael Martin

THAT Council receive item C.3 of the Planning and Building Committee Report dated June 6, 2012 being "Thornbury Meadows (Telfer) – Consent Application Update – PL.12.78", for information purposes.

In speaking to the Motion, Councillor Halos spoke noting the consent to create 86 lots was withdrawn by the proponent, further noting he was not in favour of creating 86 lots by consent.

Councillor Martin then spoke noting the consent application has been withdrawn, but noted a new application could be submitted by the proponent.

Council then voted on the Motion, Carried.

C.2 Application for Zoning By-law Amendment and Site Plan Approval – PL.12.76 Town Plot Lot 4, Napier W/S Telfer Homes Inc.

Mayor Anderson questioned if the Telfer development complies with the Town's Official Plan and the timing of the development application, Director of Planning and Building David Finbow replying that the Official Plan is a document held by the community as represented by Council, further noting that Planning Staff have indicated to Council that the proposal is in conformity with the Official Plan. David noted this is a decision of Council.

David then spoke regarding the timing of the application and noted the application was received approximately 18 months ago and was deemed complete some time ago. David noted there are different time periods with respect to appeals to the Ontario Municipal Board, but noted the applicant is beyond when the matter could have been referred to the Ontario Municipal Board.

David then noted the proponents request is to create 86 leasehold units for 50 year periods, which allows a mortgage to be registered against a parcel, but confirmed this consent has since been withdrawn. David confirmed the proponent could submit a new application to the Town.

David then noted what is left is one parcel of land with leases of land that can be renewed, noting residential tenancies are applicable.

Deputy Mayor McKinlay then joined the meeting.

Ellen questioned if a condominium corporation would have been more palatable, and if it is the leasehold portion of the application that is a concern to residents, David replying that staff would have dealt with a condominium corporation in the same way the subject application was dealt with, determining if the proposal was in compliance with County Official Plan, Town Official Plan and Provincial Policy Statement.

Duncan then spoke noting he has been involved with this matter through the Planning and Building Committee meetings.

Moved by: D.R. McKinlay

Seconded by: Ellen Anderson

THAT Council receive Planning Staff Report PL.12.76, "Application for Zoning By-law Amendment and Site Plan Approval, Telfer Homes Inc., Town Plot Lot 4, Napier W/S, Town of The Blue Mountains";

THAT Council determines that the proposed development is consistent with the direction of the Town's Official Plan, that Council do the following:

1. Enact a Zoning By-law to:
 - A. Rezone the Subject Lands from the Development 'D' Zone to the Residential Multiple 'RM1-h' Zone. The Holding '-h' Symbol shall not be removed from the lands until Site Plan Approval has been granted including the execution of a Site Plan Agreement.
 - B. To establish a new minimum rear yard setback of 8 metres for townhouse dwellings and a new minimum front yard and exterior side yard setback of 7.5 metres for semi-detached dwellings.
 - C. To authorize a maximum of 86 land lease community homes and a private recreation building having a maximum gross floor area of 575 square metres;

2. Grant conditional Site Plan Approval pursuant to Section 41 of the Planning Act for a maximum 86 leasehold townhouse and semi-detached units and a private recreation building subject to the following conditions:
 - A. The final Site Plan shall conform to the Site Plan prepared by Zubek, Emo, Patten & Thomsen dated October 31, 2011 (Appendix "I").
 - B. The final elevation plans shall be substantially in accordance with the Architectural Renderings provided in Appendix 'C' to the Supplemental Planning Report dated October 2011 (Appendix "II").
 - C. Detailed engineering drawings are "Accepted for Construction" by the Town's Engineering & Public Works Department with such design in conformity with the Town's Engineering Standards and other relevant engineering requirements including, but not limited to, detailed engineering and drainage, servicing, horizontal and vertical alignments of all roads and underground services including intersection geometrics.
 - D. A Site Plan Agreement shall be entered into and executed by the applicant and the Town of The Blue Mountains to satisfy all financial, legal, and engineering matters related to the Site Plan, Landscape Plans, Elevation Plans and the provision and maintenance of all buildings, facilities and works, the provision of a phasing plan, and any other applicable matters.
 - E. The payment of applicable Town and County Development Charges in accordance with their applicable Development Charges By-law.
 - F. A Zoning By-law implementing the subject plan shall be approved under Sections 34 and 36 of the Planning Act.
 - G. Arrangements satisfactory to the Town that address the future conveyance of a 10.06 metre wide road allowance as identified on the Site Plan.
 - H. The applicant shall pay cash-in-lieu of parkland required in accordance with Section 51.1 of the Planning Act.
 - I. The applicant shall grant all necessary easements for drainage, utility and servicing purposes, as may be required, to the appropriate agency or public authority.
 - J. If a Site Plan Agreement is not executed within three years and no extensions have been granted, Site Plan Approval shall lapse.

3. THAT Council authorize the Mayor and Clerk to execute a Site Plan Agreement in a form approved by the Town's Solicitor and Directors of Engineering & Public Works, Financial and Information Technology and Planning & Building Services.

In speaking to the Motion, Councillor Martin requested definition of the land lease and requested withdrawal of paragraph 1C).

Director of Planning and Building David Finbow spoke noting the proponent is still proceeding on the basis of a land lease, being 21 years less a day, further noting that it is more appropriate. David then noted there is a need to identify the land lease for the purposes of the zoning by-law amendment.

Deputy Mayor McKinlay then spoke noting he believes Council needs to make a decision, further noting he believes this proposal complies with the County Official Plan, Town Official Plan and the Provincial Policy Statement. Duncan noted the issues of rezoning have largely been addressed and believes there has been extensive public input into the matter. Duncan noted the development will be further addressed through site plan approvals of the Town, rather than through an Ontario Municipal Board hearing. Duncan noted the Town should use its own resources to move this matter forward.

Michael then spoke noting this is an important application, further noting it is precedent setting. Michael noted he is not in favour of the development and believes it should not proceed as the community and the surrounding area will be affected. Michael then noted the consent application public notices should be recirculated as the development has changed since the original circulations were mailed to area residents.

Michael then called for a recorded vote.

Councillor Ardiel then spoke questioning Deputy Mayor McKinlay as to whether there are similar developments at County Council, Duncan replying yes there is a land lease community within the Town of Meaford that is similar.

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| Councillor Ardiel | Nay |
| Mayor Anderson | Yay |
| Councillor Halos | Nay |
| Deputy Mayor McKinlay | Yay |
| Councillor Martin | Nay |
| Chair McKean | Yay |

The Motion is lost.

Deputy Mayor McKinlay then noted there has been no decision on the matter and requested Councillor Martin bring a motion to the table.

Moved by: Michael Martin	Seconded by: Joe Halos
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THAT Council refuses the zoning by-law amendment and site plan approval as contained in Planning Staff Report PL.12.76, "Application for Zoning By-law Amendment and Site Plan Approval, Telfer Homes Inc., Town Plot Lot 4, Napier W/S, Town of The Blue Mountains"

In speaking to the Motion, Mayor Anderson requested a recorded vote.

Deputy Mayor McKinlay spoke noting if this motion fails, Council has not made a decision and questioned if there are any other options.

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| Councillor Ardiel | Yay |
| Mayor Anderson | Nay |
| Councillor Halos | Yay |
| Deputy Mayor McKinlay | Nay |
| Councillor Martin | Yay |
| Chair McKean | Nay |
| The Motion is lost. | |

Councillor Martin then spoke noting the Planning Department should bring a further report to the next Planning and Building Committee meeting.

Deputy Mayor McKinlay spoke questioning if Councillor Martin would support a site plan approval and zoning by-law, Councillor Martin responding that he does not support the philosophy of the proposed development, further noting the Town does not need the intrusion in the community.

Chair McKean then spoke noting if this matter is being sent back to the Planning and Building Committee, that Council should provide some direction and narrow the focus for the planners.

Michael then noted the proponent must make application, further noting the circulations to area residents dealt with the previous application. Duncan then questioned if the circulations are an issue with other Council members that it should be looked at and reviewed.

Michael then noted this proposal is a casebook example of official plan and zoning by-law amendment with deferred development without criteria, further noting Council is not in the lead and is in a responding position. Duncan spoke concurring with Councillor Martin and noted he is optimistic that the new Official Plan will provide better clarity.

Duncan then spoke noting he would like to know if the Town has subverted the planning notification legislation and requested interpretation of this matter. CAO Troy Speck spoke in response questioning if the interpretation would have a difference in Council's decision, further noting Staff are extremely busy and have a lot of work to do.

C.7 Niagara Escarpment Commission – Development Permit Application – PL.12.71, File No. G/R/2011-2012/9177, West Part Lot 10, Concession 1 – Parts 4 to 6, 8 to 10, 12 to 14, RP 16R- 6401 – 178 Poplar Sideroad, Braeburn Farms Ltd.

Director of Planning and Building David Finbow spoke noting there are policies in the Official Plan that preclude the type of accommodation proposed in this application in this area.

Deputy Mayor McKinlay spoke noting he respects the Town Planner's position.

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT Council receive Planning Staff Report PL.12.71, "Request for Comments – Niagara Escarpment Commission: Development Permit Application File No. G/R/2011-2012/9177 – Braeburn Farms Ltd; West Part Lot 10, Concession 1; Parts 4 to 6, 8 to 10, 12 to 14, RP 16R-6401; 178 Poplar Sideroad; Town of The Blue Mountains" ;

AND THAT Council advise the Niagara Escarpment Commission that the Town and has no comment in response to this Application, Carried.

Minutes List (Receive)

- G.4 Beaver River Advisory Committee Minutes, March 20, 2012
- G.5 Agricultural Advisory Committee Minutes, April 10, 2012
- G.6 The Blue Mountains Public Library Board Minutes, April 18, 2012
- G.7 Saugeen, Grey Sauble, Northern Bruce Peninsula Drinking Water Source Protection Committee Minutes, April 27, 2012

H. By-laws

None

I. New and Unfinished Business

I.1 Grey County Council Update

Deputy Mayor McKinlay provided an update on matters of interest at Grey County, including the Governance Committee, Long Term Housing Taskforce, and County Road placement of gravel along shoulders.

Duncan confirmed Grey County Council meeting will be held in The Blue Mountains Council Chamber on Tuesday, July 3

I.2 Notice of Motion

Councillor Ardiel then gave Notice of Motion that at the next Council Meeting, the Agenda contain a motion to move into closed session regarding personal matters about an identifiable individual, including Town or local board employees and with regard to policies regarding communication between Council and members of staff.

I.3 Additions to Agenda

None

I.4 Staff Discussion

None

J. Notice of Meeting Dates

Council Meeting, June 25, 2012
Town Hall, Council Chamber

Finance and Administration Committee, June 19, 2012 2:00 pm
Town Hall, Council Chamber

Infrastructure and Recreation Committee, June 12, 2012 7:00 pm
Town Hall, Council Chamber

Planning and Building Committee, July 4, 2012
Town Hall, Council Chamber

K. Confirmation By-law and Adjournment

Mayor Anderson then resumed the Chair.

Moved by: Michael Martin Seconded by: Joe Halos

THAT By-law No. 2012 - 36, being a By-law to confirm proceedings of the Council of The Corporation of the Town of The Blue Mountains on June 11, 2012, be hereby enacted as passed this 11th day of June, 2012, Carried.

Moved by: Gail Ardiel Seconded by: Michael Martin

THAT this Council does now adjourn at 9:23 p.m. to meet again June 25, 2012, 7:00 pm, Town Hall, Council Chamber, or at the call of the Chair, Carried.

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Ellen Anderson, Mayor

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Corrina Giles, Town Clerk