

Minutes - The Blue Mountains Council Meeting



MEETING DATE: July 23, 2007 – 7:00 pm

LOCATION: L. E. Shore Memorial Library

PREPARED BY: Serena Wilgress, Deputy Clerk

A. Call to Order

- Mayor Anderson called the meeting to order with all members in attendance.
- Council then paused for a moment of Personal Prayer or Reflection.
- Approval of Agenda
Moved by: Michael Martin Seconded by: John McGee
THAT the Agenda of July 23, 2007 be adopted as circulated, including any items added to the Agenda, Carried.
- No member declared a pecuniary interest with any matter as listed on the Agenda save Councillor Kennedy with regard to Item G2 – Accounts and Councillor Martin with regard to Item D1 – Subdivision Agreements 2 & 8, and Item D2, Minutes of Settlement – Tabera and NEC.
- Adoption of Consent Agenda
Moved by: Michael Martin Seconded by: Cameron Kennedy
THAT the Consent Agenda of July 23, 2007 be adopted as circulated, less Item G3 – Engineering and Public Works Committee minutes of July 10, 2007, requested for separate review and discussion, Carried.
- Previous Minutes
Moved by: R. J. Gamble Seconded by: John McKean
THAT the Council Minutes of July 9, 2007 and Planning Council minutes of July 4 and 16, 2007 be adopted as circulated including any revisions to be made, Carried.
- Mayor Anderson thanked Lynda and Rick Valcourt for their work in organizing the Relay for Life event held this past weekend.

B. Deputations/Presentations

7:00 pm – Public Meeting – Consideration of Stopping up and Closing and Sale of a portion of Municipal Road Allowance – Camperdown Road South

Mayor Anderson called the first scheduled Public Meeting to order and explained the purpose of the Public Meeting was to consider by-laws that if enacted, would assume and close and stop up and sell two portions of municipal highway allowance described as:

1. Camperdown Road through the south half of Lot 25, Concession 7; and
2. 25th Sideroad for a distance of approximately 100 metres east from Camperdown Road.

Mayor Anderson noted the proposal is related to a request by adjacent landowners that the subject road sections be sold to them for conversion into a common element condominium road so as to address ongoing concerns with seasonal maintenance and liability related to a public highway allowance in an area of challenging topography.

The Deputy Clerk then read correspondence as received from Frank & Helga Wyler, Henry Haiduk, Elizabeth and John McCullam and Sid McFarlane.

Manager of Development Planning Rob Armstrong then reviewed the history of the road allowance, noting until 1997, the highway was seasonal access only.

Rob noted a party entered into an agreement with the Town to upgrade and maintain the road to Town standards.

Rob noted the new Official Plan stated Council could transfer the road allowance to a Common Elements Condominium as long as certain conditions are met.

Rob noted Council adopted a report on January 7, 2007 subject to public interest and a public meeting.

Rob noted the Condominium Agreement can include items such as easements and trails.

Rob noted the former Trails Committee had considered other routes and safety concerns.

Rob noted a site meeting was held with the Director of Recreation and it was determined that a sub committee of user groups, residents and Town representatives be established.

Area resident Helga Wyler then spoke, noting her property would be included in the Common Elements Condominium, adding that they had not officially been asked to join.

Mrs. Wyler then reviewed history of the road and area, adding her objection to selling the public road to private owners.

Resident Bill Abbotts then spoke, noting concern with the proposed closure of Camperdown Road South.

Bill noted his concerns included the road allowance being part of the Superbuild project and its linkage to the Bruce and Georgian Trails.

Bill then requested that Council consider the request very carefully.

Councillor McGee requested clarification regarding objection to the closure, Bill noting the closure would leave an area of land landlocked and future access would be prohibited.

Bill then noted the alternate trails should be installed and tested before Council considered closing the road.

Resident Tom Kritsch noted he was a previous landowner of property adjacent to both sides of the road allowance, adding an 1876 deed existed establishing the deviation road.

Graham Roberts, Clarksburg, noted his objection to selling Town property, adding there was no advantage to a Condominium Corporation owning the road.

Mike Hammond, Thornbury, noted he was a former member of the Trails Committee and objected to the selling of the road allowance.

Resident John Park noted his objection.

Jack Peckitt, Thornbury, Chair of the Parks & Trails Task Force, noted it was intended that there be a trail system connecting all trails in Town, the Plan to come to Council in the near future identifying the goals for the next 20 years.

Fred Heimbecker, representing residents on Camperdown Road, noted residents agree the By-law is the best fit and support the closing. Mr. Heimbecker then noted the liability issue was a major concern.

Bill Abbotts then noted the owner of the road would be liable.

Mrs. Wyler noted she had contacted the Ministry of Finance regarding the liability and the answer is that the liability lies with the owner.

Applicant Barbara Jones questioned if Mrs. Wyler's information was valid, Rob Armstrong noting it would have to be looked into further.

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

Deputy Mayor McKinlay called the final scheduled Public Meeting to order and explained the purpose of the meeting was to consider a By-law to impose capital water charges for the construction of water works to supply Swiss Meadows water service area.

Manager of Environment Services John Caswell reviewed the history of the project, noting the MOE required the Town maintain the system.

John noted an Environmental Assessment showed the preferred alternative to the former private system was to run a pipe to the subdivision from the Town system.

John noted no problems presented themselves when the water was turned onto the service area in 2005.

Financial Analyst Elizabeth Thompson noted a few minor changes to the proposed by-law had been made.

Liz noted the By-law proposed a lesser charge than was presented at the last public information session, due to the increase in the provincial grant.

Liz noted all residents had been mailed the original draft by-law, the proposed charges and an election form to be returned to the Town. Liz added the final date for returning the form was July 23rd, however, the Town would still accept the forms for the remainder of the week.

Mayor Anderson questioned if a second phase of the project was planned, John noting the current system ran through the rear of many properties with sub standard piping. John added that the second phase would be installed on the Town ROW, adding that there has been few leaks to date and the five year projection date could be moved out if things go well.

Deputy Mayor McKinlay then asked if anyone wished to speak to the proposed By-law.

Area resident R. B. Waind reviewed the history of the project, noting the province had provided funding to the former Township to provide water to the residents.

R. B. noted the residents of Swiss Meadows had already paid a number of times to cover the cost of the changes to the system.

Area resident Barbara Downie questioned benefitting landowner definition, noting she does not have town water is on the list, John noting the property has the ability to connect in the future. John noted he would review the situation.

Area resident Luke Dolan noted he was not connected to the system either, questioning if he was required to pay now, John noting the situation would be further reviewed.

Area resident Rudolf Vicek noted he was not aware of previous meetings, questioning total construction cost, John noting \$1.7 million with grant funding from the province of \$570,000.

Mr. Vicek questioned timing of the meeting, noting many people were on holidays.

Mr. Vicek noted he would like to see the Town contribute to the cost, Deputy Mayor McKinlay noting the Town could not take tax dollars to pay for a water system.

Area resident Dawn Rivait noted she had to pay \$3,600 to hook up to the system, John noting he would look into the matter and get back to Ms. Rivait.

Resident Murray McMahon questioned if the interest rate would be variable, Duncan noting interest is set on the day of passing of the By-law.

Mr. McMahon then questioned if a resident could pay off the amount at any time, Duncan noting yes.

Mr. McMahon then questioned due date of the Election Form, Acting Director of Finance Rob Cummings noting any time this week would be acceptable.

Mr. McMahon then questioned what would happen if a property sold, Rob noting the entire outstanding amount is due to the Town at the point of sale.

Councillor Gamble noted the Town's investment is accruing interest the longer it remains unpaid.

Resident Tanya Havlas noted concern with the costs to the residents and no help coming from the Town, Duncan noting the previous water system in

Swiss Meadows had failed and the Town has worked to provide all Swiss Meadows residents with water.

Mr. McMahon questioned payment methods and the annual sum, Rob noting there would be no interest penalty, Councillor Gamble noting a 6% amortization.

Mr. McMahon then requested a payment schedule, Rob to provide.

Resident Gary Robinson noted there were 110 lots in Swiss Meadows, noting the By-law referred to 130 lots, Elizabeth to confirm.

Mr. Dolan questioned if Council would be enacting the by-law that evening, Duncan noting Council would consider the by-law later in the evening.

Ms. Havlas requested some financial assistance in the form of no interest or a bonus for paying up front, Duncan noting no tax money can be used to pay for the system.

Duncan noted the amount was within the affordability payment policy.

Ms. Rivait questioned costs for the second phase and future hook up costs.

Resident Ev Bryan questioned if the large property in Swiss Meadows were to be severed, what the costs would be, Manager of Development Planning Rob Armstrong noting the property could be divided into six 15 acre lots with private water systems.

Resident John Arklay questioned if other properties in the area would be able to connect to the system, John noting the Environmental Assessment identified the service area and it would have to be re-examined if an extension was to be considered.

Mayor Anderson noted Council is mandated to provide the service by the Provincial Guidelines, adding the system now provides improved fire protection for some of the homes in Swiss Meadows.

Rob Cummings, Acting Director of Finance, noted the 110 units are in the subdivision and 20 units are in the surrounding area.

Mr. Vicek questioned if future development could mean a rebate to the property owners, Duncan noting it would be calculated as part of the by-law if that was anticipated.

Rob Armstrong noted additional units could not be added through the Official Plan, adding the possibility was diligently researched and denied by the County and the Province.

Deputy Mayor McKinlay declared the Public Meeting to be adjourned.

C. Correspondence as previously circulated

Mayor Anderson called the Council meeting to order and Council then considered the correspondence as previously circulated.

Regarding Item C8, Sail for Hope request for support, Council then dealt with the following Resolution:

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

THAT this Council does support the request from Steve Donahue and the Canadian Cancer Society for a one time donation of \$500.00 to assist in the cost of organizing the Sail for Hope fundraising event scheduled for August 26, 2007 at the Thornbury Harbour, Carried.

Regarding Item C5, North East Grey Health Clinics Inc. and request for appointment, Council then dealt with the following Resolution:

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

THAT Councillor Michael Martin be appointed representative of The Blue Mountains to the North East Grey Health Clinics Inc. executive for the remainder of the term of Council, Carried.

Regarding Item C3, Stantec Consulting, Highway 26 Study, Councillor McGee noted concern with improving Highway 26 rather than redirecting, CAO Paul Graham noting all parties had agreed to fund the Area Transportation Study, adding the By-pass was under discussion, with MTO working with the Town to find reasonable solutions.

Mayor Anderson noted deer crossing concerns and safety issues regarding bicycle lanes should be addressed to MTO.

Councillor Martin noted the Georgian Trail was an alternative for cyclists and the stretch of highway in question was dangerous.

Ellen noted MTO should be requested to make the highway wide enough to accommodate a cycling lane.

Council concurred to have the Clerk direct a letter to MTO indicating the issues.

Regarding Item C6, Grey County Warden's Forum, Mayor Anderson requested that Council provide all items for discussion to the Clerk as well as attendance.

Councillor Gamble suggested area rating of costs and Councillor Martin suggested renewable energy policy papers.

Moved by: John McGee Seconded by: John McKean

THAT this Council does hereby receive the Correspondence of July 23, 2007 and further does hereby support and adopt the Staff Recommendations made with regard to the Correspondence items including any additional direction give to Staff and Committees through discussion, Carried.

D. Motions and Staff Reports

1. Subdivision Agreements, PL.07.97

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

THAT Council does receive Staff Report #PL.07.97, "Development Agreement Execution Authorization"; and

THAT Council endorse the execution of any of the following Agreements by the Mayor or Deputy Mayor and Clerk based on the comments contained in the Staff Report:

- 1 Peaks Meadows - Subdivision Agreement
- 2 Keepers Cove – Condominium Agreement
- 3 Trailwoods - Subdivision Agreement
- 4 Georgian Ridge Development – Subdivision Agreement and Condominium Agreement
- 5 Mill Pond Homes - Condominium Agreement
- 6 Riverwalk Phase II – Condominium Agreement
- 7 Georgian Bay Estates – Development Agreement
- 8 Lora Bay Phase 3 – Subdivision Agreement

Subject to approval by the Town Solicitor, Director of Engineering and Public Works, Manager of Development Planning and Director of Finance; compliance with all current Town polices and any applicable Planning Approval, and; “Accepted for Construction” drawings being issued by the Director of Engineering and Public Works, Carried.

2. Minutes of Settlement – Tabera and NEC, PL.07.96

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

THAT Council does receive Staff Report #PL.07.96, “Tabera Ltd. – Minutes of Settlement with NEC” Part Lot 25, Concession 4, Town of The Blue Mountains”; and

THAT Council supports and hereby authorizes Town Solicitor Al Burton of Thomson Rogers to execute the Minutes of Settlement between Tabera Limited, the Niagara Escarpment Commission, the County of Grey and the Town as it relates to the resolution of the Special Policy Area 4 designation on Part Lot 25, Concession 4 within the Town of The Blue Mountains Official Plan only, Carried.

3. Water Access Strategy – Camperdown Road, CAO.07.11

Deputy Mayor McKinlay questioned if all waterfront accesses were being treated the same, biking and pedestrian traffic only, CAO Paul Graham noting each parcel should be treated individually.

Paul noted the Leisure Activity Plan anticipates there won't be significant parking at these locations.

Duncan noted concern with no parking, Paul noting no parking only on the north side of Teskey Drive and Camperdown Road, both sides.

Councillor Martin questioned if there would be a physical barrier on the beach and car parks where Camperdown Road turns into Hoover Lane, Paul noting the parking would not be visible from the Highway.

Michael questioned time restrictions on Teskey Drive, Paul noting a proposed By-law for all parklands to limit time of use to be brought to Council in the near future.

Councillor Gamble questioned property rights of the adjacent landowner, Paul noting owners own to the water's edge.

Bob noted the signage should indicate such.

Bob then noted concern with use of private driveways for turnabouts, Paul noting that was a possibility and the Town would be requesting resident feedback in the fall.

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

THAT Council receive report CAO.07.11 entitled Water Access Strategy – Camperdown Road; and,

THAT Council endorse the Action Plan outlined therein as amended by Council and,

FURTHER that Council enact a by-law to designate both sides of Camperdown Road from Highway 26 to Teskey Drive and the north side of Teskey Drive for its entire length as “No Parking”, Carried.

4. Frank and Jessie Smith Memorial Garden, CAO.07.12

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

THAT Council receive report CAO.07.12 entitled “Frank and Jessie Smith Memorial Garden” and,

THAT Council directs the CAO to proceed to finalize an agreement with Mr. Mac Smith, to be brought back to Council for its approval, for his gifting of land to the Town at the northeast corner of Mill Street and King Street in Thornbury for the purpose of creating the Frank and Jessie Smith Memorial Garden.

In speaking to the Motion, Councillor McGee noted the memorandum of understanding restricts the Town considerably, Mayor Anderson noting Mr. Smith did not want the garden to be a burden on the taxpayers.

Paul noted Mr. Smith showed some flexibility on some of the issues and the final arrangement should show that.

Councillor Martin questioned if there would be a deed of trust to the Town, noting future limitations will not work.

Michael then questioned who would bear the cost of the appraisal, Paul noting it was hoped a volunteer would perform the task as a contribution to the project.

Paul noted Mr. Smith intended to transfer the property free and clear and an agreement would then be looked at.

Deputy Mayor McKinlay noted support for moving forward, requesting clear understanding of design and maintenance before Council authorizes signing the agreement.

Councillor Gamble noted the success of the project would depend on the donations of help and financing, adding his support to the project.

Council then voted on the Recommendation, Carried.

Mayor Anderson then thanked Mr. Smith, adding that it was a marvellous opportunity and would enhance the beauty of the Town.

5. Mountain Drive Reconstruction, Phase 2 – Project Budget Increase and Street Light Pre-Purchase, EPW.07.82

Councillor Gamble questioned if the project was intended to commence in 2007, Manager of Environment Services John Caswell noting no costs had been received from the contractor and no approvals at this time, adding the Town had made a commitment to the residents to move forward.

Bob then questioned additional funding, John noting some would come from Development Charges and Intrust. John then noted streetlighting was in the agreement for Phase 2 Jozo Weider works.

Councillor McGee questioned clarification of the November 2007 date and pre ordering the lights, John noting that was an aggressive timeline.

John noted concern with pre ordering light standards for a project that was not to be completed immediately, John Caswell noting it was a tight timeframe but would be good to have in case the project moves forward.

Councillor Martin questioned if the residents were aware of the amount of light that would be cast, John Caswell noting no but they are aware of the existing luminaries along surrounding streets.

Bob questioned if the developer had agreed to the additional costs, John Caswell noting he would confirm.

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

THAT Council approve increasing the total project budget Mountain Drive Reconstruction Phase 2 by \$805,000.00 to \$2,325,000.00 as detailed in Report EPW.07.82,

THAT Council approve the Director of Engineering and Public to purchase 32 street light poles and luminaries sets at a cost of \$2,910.60 each for a total of \$93,139.20 including PST for use on Mountain Drive Reconstruction Phase 2, and

THAT Council supports the exception to the Town Purchasing Policy with respect to the pre-purchase of the street light poles and luminaries.

In speaking to the Motion, Council concurred that Manager of Environment Services John Caswell confirm the order only if the Certificate of Approval is received.

Council then voted on the Motion, Carried.

6. Thornbury Water Treatment Plant – Upgrades, Pall Membrane Pre-Purchase, EPW.07.84

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

THAT Council authorize the Mayor and Clerk to sign the "Agreement to Purchase" with Pall Corporation which will commit the Town to purchase approved shop drawings and manufactured Pall membrane equipment which will provide "firm capacity" of 15,140 m³/day at the Thornbury Water Treatment Plant at a total cost from Pall Corporation of \$1,966,726.00, including PST and excluding GST, and

THAT the "Agreement to Purchase" be reviewed and approved by the Town Solicitor and Director of Engineering and Public Works prior to execution, and

THAT Council supports the exception to the Town's purchasing policy, Section 16 of the Purchasing Bylaw entitled "Purchase by Negotiations" permits the Department Head, in cooperation with the CAO, to negotiate with a supplier for the goods and the requirement for inviting Tenders or Quotations is waived.

In speaking to the Motion, Deputy Mayor McKinlay questioned deferral of the project if the contract is expensive, Manager of Environment Services John Caswell noting the Town would proceed to Tender for installation later in the year and the contractor would take over the purchase of the membrane.

Councillor Martin questioned an arbitration clause, John noting it was subject to approval prior to execution.

Michael noted it was important to ensure the Town solicitor is aware of the clause.

CAO Paul Graham noted the Town was committing up front in order to get the design specs, the final purchase to be made when an accepted general contractor takes over the project.

Council then voted on the Recommendation, Carried.

7. Source Water Protection, PL.07.98

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

THAT Council authorize the Mayor to confirm in writing to the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region concurrence with the five groupings which have been made out of the twenty-one municipalities that lie wholly or partially within the Source Protection Region.

AND THAT Council has no objection to one municipal representative being appointed in each of the groupings to make up the total of five municipal representatives on the Source Protection Committee.

In speaking to the Motion, Deputy Mayor McKinlay noted the committee members should be prepared to provide tremendous future commitments.

Manager of Environment Services John Caswell noted the Clean Water Act is a mandate that all need to follow.

Council then voted on the Recommendation, Carried.

8. Council Update – Rogers Wireless, PL.07.99

Manager of Development Planning Rob Armstrong reviewed the Report, noting concerns can be addressed in a Letter of Undertaking.

Deputy Mayor McKinlay questioned increasing the size of the pole so that all companies could use the same one, Rob noting the application was for a flag pole only.

Councillor Gamble questioned if the pole size could be the same as the Telus tower across from the Fire Hall to accommodate all three companies, Councillor McKean noting the NEC would not permit a taller tower in that area.

Mayor Anderson questioned the height of the pole, Planner Bryan Pearce noting 60'.

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

THAT Council does receive Planning Staff Report PL.07.99, "Council Update – Request for Comments through the Application for Site Plan Control Approval Process; The Georgian Peaks Club, c/o Rogers Wireless Inc."; Reference Plan 16R-6771, Part 2; Part Lot 26, Concession 5;

THAT Council support the development proposal to permit the construction of an 18.9 metre high steel flag monopole telecommunications facility in accordance with the Site Plan drawing "Georgian Peaks (C3072)" dated October 18, 2006 (Revision 2), as noted in Planning Staff Report PL.07.90; subject to the following conditions:

1. That the Town enter into a Letter of Undertaking with Rogers Wireless Inc. to address the issues of concern in regard to co-location, maintenance and flag requirements.

AND THAT Council support the minor amendment of the existing Site Plan Agreement, Carried.

9. Delegated Approvals by Staff, A.07.21

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

THAT Council receive Report A.07.21, "Delegated Approvals by Staff", for information purposes, Carried.

10. Interim Report on "0" Dial Function, CEDC.07.03

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

THAT Mayor and Members of Council receive Staff Report CEDC.07.03 for information purposes, Carried.

Deputy Mayor McKinlay noted it was a good initiative.

11. Restrictions on Packaging

Moved by: John McGee Seconded by: Cameron Kennedy

WHEREAS the Town of The Blue Mountains is undertaking measures to reduce green house gas emissions as well as reduce the global threat of

climate change and is encouraging the provincial and federal governments to partner with the municipality in these efforts;

NOW THEREFORE, BE IT RESOLVED that the Town of The Blue Mountains request that the Government of Canada and the Government of Ontario develop a product stewardship program to reduce the high volume of waste streams (i.e. packaging, cardboard, paper products) and that this Resolution be forwarded to the Federation of Canadian Municipalities, the Association of Municipalities of Ontario and the Great Lakes and St. Lawrence Cities Initiative.

In speaking to the motion, Council concurred to include white goods in the Resolution.

Council then voted on the amended Recommendation:

WHEREAS the Town of The Blue Mountains is undertaking measures to reduce green house gas emissions as well as reduce the global threat of climate change and is encouraging the provincial and federal governments to partner with the municipality in these efforts;

NOW THEREFORE, BE IT RESOLVED that the Town of The Blue Mountains request that the Government of Canada and the Government of Ontario develop a product stewardship program to reduce the high volume of waste streams (i.e. packaging, cardboard, paper products and white goods) and that this Resolution be forwarded to the Federation of Canadian Municipalities, the Association of Municipalities of Ontario and the Great Lakes and St. Lawrence Cities Initiative, Carried.

Council concurred to have Manager of Solid Waste & Environmental Initiatives Jeff Fletcher bring a report back to Council regarding implementing the stewardship program in The Blue Mountains and asking businesses to become involved voluntarily.

12. Award of Tender (TBM-2007-21), Wyandot Court and Petun Drive Road Rehabilitation, EPW.07.80

THAT Council approve the award of the Wyandot Court and Petun Drive Road Rehabilitation (TBM-2007-21) to Georgian Paving and Construction in the amount of \$63,220.00 excluding GST and;

THAT the Mayor and the Clerk be authorized to execute the Contract Documents, Carried.

13. Award of Tender (TBM-2007-20), Orchard Drive and Applevale Court Road Rehabilitation, EPW.07.81

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

THAT Council approve the award of the Orchard Drive and Applevale Court Road Rehabilitation (TBM-2007-20) to Seeley & Arnill Construction in the amount of \$275,860.00 excluding GST and;

THAT the Mayor and the Clerk be authorized to execute the Contract Documents.

In speaking to the Motion, Councillor Gamble questioned what was included in the cost, Manager of Environment Services John Caswell noting the project included new asphalt, curb and gutter.

Councillor McKean questioned if they would be reusing the existing asphalt, John noting yes.

Council then voted on the Recommendation, Carried.

14. Acquisition of a Portion of Unopened Road Allowance, Dr. Jerald Bain, Part Lot 31, Concession 8, PL.07.100

Manager of Development Planning Rob Armstrong reviewed the Report, noting the Town was receiving an easement on Dr. Bain's property and Dr. Bain was receiving a small portion of the road allowance.

Councillor Kennedy questioned if the property owners owned to the water's edge, Rob noting it varied.

Cam then noted if it was of no use to the Town could it be sold to the neighbouring property owners, Rob noting the property is zoned hazard land and is not a buildable lot.

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

THAT Council does receive Planning Staff Report PL.07.100, "Acquisition of a portion of unopened Road Allowance", Dr Jerald Bain; Part Lot 31, Concession 8;

AND THAT Council does hereby pass By-law No. 2007-75 being a By-law to close and authorize the conveyance of unopened road allowance between lots 30 and 31, Concession 8.

AND THAT Council authorizes the Mayor and Clerk to execute the necessary documents, including easement agreement for access over Dr. Bain's lands for the maintenance of the Town watercourse, subject to the following:

- a) Approval by the Town Solicitor and applicable staff.
- b) Relocation of all existing encroachments on the Town road allowance.
- c) Easement Agreement to permit construction access only on Town lands subject to restoration to the satisfaction of the Town.

Carried.

E. New and Unfinished Business

1. Grey County Council Update

Deputy Mayor McKinlay noted the TAPS Committee had passed a motion that the Road Rationalization Report be reviewed by County Council.

F. By-laws

1. Budget Amendment

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

THAT By-law No. 2007-71, being a By-law to amend Schedule "A" of By-law No. 2007-15, being a By-law including all sums required during 2007 for Town purposes, be hereby enacted this twenty-third day of July, 2007, Carried.

2. Capital Water Charges (Swiss Meadows)

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

THAT By-law No. 2007-72, being a By-law to impose capital water charges for the use of the Town's waterworks (Swiss Meadows), be hereby enacted this twenty-third day of July, 2007.

In speaking to the Motion, Deputy Mayor McKinlay questioned if the concerns from tonight's meeting would preclude passing this by-law tonight.

Acting Director of Finance Rob Cummings noted future benefitting owners can be carried and charged at time of hook up.

Rob then noted the total and capital charges will not change, adding Schedule A can be changed to reflect the concerns expressed regarding deferred benefitting owners.

Financial Analyst Elizabeth Thompson noted Staff could define deferred benefitting properties and change Schedule A.

Mayor Anderson questioned the communication process, Elizabeth noting mail.

Councillor Martin questioned deferred benefitting owners, Rob noting those that do not front the system and are not connected but are within the Service Area.

Michael then questioned if those owners should be deleted from the By-law, Rob noting the definition would identify those owners.

Council then discussed the best way to defer payment for deferred benefitting owners.

Councillor Martin then raised a Point of Order, noting the Council meeting was now going to extend beyond the time limit as noted in the Procedural By-law.

Council then dealt with the following Resolution:

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

THAT Council continue its meeting of July 23, 2007 until all business is completed as noted on the Agenda, Carried.

Council then continued debate on the Capital Water Charges By-law (Swiss Meadows).

Mayor Anderson noted the By-law should be passed as before Council with an amending By-law to be brought to the next meeting.

Council then voted on the Resolution, Carried.

Council then dealt with the following Recommendation:

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

THAT Staff be instructed to prepare an amendment to By-law 2007-72, a By-law to impose capital water charges for the supply of water (Swiss Meadows service area); and,

FURTHER to defer payment of the capital water charge to the deferred benefiting landowners identified under Schedule 'A' of By-law 2007-27 as roll number:

42 42 000 00 5 027

42 42 000 00 5 028

42 42 000 00 5 029

42 42 000 00 5 030

42 42 000 00 5 031

Carried.

3. Thornbury Business Improvement Area 2007 Levy

Note: Councillor Kennedy declared a pecuniary interest and did not take part in related discussion or voting.

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

THAT By-law No. 2007-73, being a By-law to levy a special charge upon rateable property in the Thornbury Business Improvement Area, be hereby enacted as passed this twenty third day of July, 2007.

In speaking to the Motion, Councillor McKean noted the former Esso Station was still on the list of properties, Acting Director of Finance noting that only the business that are in affect at the time of billing can be assessed.

Council then voted on the Resolution, Carried.

4. Camperdown Road / Teskey Drive Parking Regulation

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

THAT By-law No. 2007-74, being a By-law to amend Consolidated Parking By-law 2003-11 so as to prohibit the parking or standing of vehicles on Camperdown Road north from Highway 26 to Teskey Drive and along the north side of Teskey Drive, be hereby enacted this twenty-third day of July, 2007, Carried.

5. Close and Authorize the conveyance of unopened road allowance between Lots 30 and 31, Concession 8, Dr. Jerald Bain

Deputy Mayor McKinlay assumed the Chair and Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: John McGee

THAT By-law 2007-75, being a By-law to Close and Authorize the conveyance of unopened road allowance between Lots 30 and 31, Concession 8 to Dr. Jerald Bain be read for a first time, Carried.

Moved by: John McGee Seconded by: Michael Martin

THAT By-law 2007-75 be read a second time and that Council now do move into Committee of the Whole to consider By-law 2007-75, Carried.

Councillor Martin assumed the Chair in Committee of the Whole.

Upon rising from Committee of the Whole, Councillor Martin reported that all clauses passed in Committee.

Council then dealt with the following Resolution:

Moved by: Ellen Anderson Seconded by: John McKean

THAT By-law 2007-75 be read for a third time, signed by the Mayor and Clerk and duly engrossed in the By-law book this twenty third day of July, 2007, Carried.

G. Consent Agenda

Accounts

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

Reports List

3. Engineering and Public Works, July 10, 2007

Regarding the Engineering and Public Works Committee Report of July 10, 2007, Councillor McKean questioned the Camperdown Road Reconstruction Change Orders #2-5, and whether they were being billed to the taxpayer or the developer, Manager of Environment Services John Caswell noting 4&5 were billed through development, adding that 2&3 were still under negotiation.

Council then dealt with the following Resolution:

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

THAT the Engineering & Public Works Committee Report of July 10, 2007 be adopted as circulated, Carried.

Minutes List

None

H. Next Meeting Date(s)

Council August 28, September 10, 24, 2007

Planning Council September 5 (Wed), 17, 2007

All Council meetings to be at Library except the following two dates:

October 10, BVCC Hall 2, November 14, TBD

Engineering and Public Works Committee, August 20, 2007

Finance and Administration Committee, August 21, 2007

Recreation Committee, July 26, 2007

I. Confirmation By-law and Adjournment

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

THAT By-law No. 2007 - 76, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on July 23, 2007, be hereby enacted as passed this twenty-third day of July, 2007, Carried.

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

THAT this Council does now adjourn at 11:20 p.m. to meet again August 27, 2007, 7:00 pm or at the call of the Chair, Carried.

.....
Ellen Anderson, Mayor

.....
Serena Wilgress, Deputy Clerk