

Minutes The Blue Mountains Council Meeting



MEETING DATE: August 27, 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.

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, Engineering Design Technologist Tom Gray, Financial Accountant Renee Ouellette, Manager of Revenue Ruth Prince, Manager of Purchasing Sherri Adams, and Capital Accountant Darcy Chapman

- Approval of Agenda

Moved by: Joe Halos Seconded by: John McKean

THAT the Agenda of August 27, 2012 be approved as circulated, including any items added to the Agenda, Carried.

B. Closed Session

Moved by: Michael Martin Seconded by: John McKean

THAT with regard to subsection 239 of the *Municipal Act, 2001*, this Council do now move into closed session in order to address matters pertaining to a proposed or pending acquisition or disposition of land by the municipality or local board;

AND with regard to the municipality's inventory of land, Carried.

Council moved into closed session at 6:36 pm.
Council moved into public session at 7:02 pm.

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 G.2 Accounts and his place of employment and Mayor Anderson regarding Report C.2 EPW.12.056 contained in Agenda Item G.4 Infrastructure and Recreation Committee Report and a family member's place of employment
- Adoption of Consent Agenda

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

THAT the Consent Agenda of August 27, 2012 be adopted as circulated, less any items requested for separate review and discussion, Carried.

- Previous Minutes

Moved by: John McKean

Seconded by: Gail Ardiel

THAT the Special Meeting of Council minutes of June 19, 2012 and the Council minutes of July 16, 2012, be adopted as circulated, including any revisions to be made, Carried.

D. Deputations / Presentations / Public Meeting

D.1 Public Meeting: Janet Lee, Hemson Consulting Re: Updated Development Charges

Mayor Anderson read the Notice of Public Meeting regarding Development Charges noting that on Monday, August 27, 2012, the Council of The Corporation of the Town of The Blue Mountains will hold a public meeting pursuant to *The Development Charges Act, 1997*, regarding a proposed amendment to Development Charges By-Law No. 2010-18. The proposed amendment will solely apply to the provision of sanitary sewer services in Craigleith, Castle Glen, and Osler, and to water services in Osler. All other charges and policies contained in By-law No. 2010-18 will remain unchanged.

Ellen noted that development charges are levied against new development, and are a primary source of funding for growth-related capital expenditures. It is proposed that enactment of a development charges amendment by-law by Council would occur on a date subsequent to the public meeting.

Ellen noted that Council is required under *The Development Charges Act, 1997*, to hold at least one public meeting to allow the public the opportunity to review and provide comments on the 2012 Development Charges Amendment Study, related staff reports and the proposed development charges amendment by-law.

Ellen confirmed that all interested parties are invited to attend the public meeting.

Ellen noted that any person may attend the public meeting and make written or verbal representation either in support of or in opposition to the by-law. Written submissions are invited and should be directed to the Town Clerk no later than 12:00 pm (noon) on Wednesday, August 22, 2012. Written comments received and submissions made at the public meeting will be considered by Council prior to the enactment of a new development charges amendment by-law.

Janet Lee of Hemson Consulting spoke regarding the background of the Development Charges Amendment Study, noting Development Charges By-law 2010-18 was passed in March 2010.

Janet noted the 2012 development charges amendment focused on service areas for sanitary sewer charges for Craigleith, Castle Glen and Osler, noting that no other service areas will be affected by the change.

Janet noted that the terms of this by-law will not extend past the March 7, 2015 date included in the original by-law.

Janet then reviewed the summary of the changes in the sewer capital program and the water capital program.

Janet noted the revised development charge rates will be charged according to the size of the unit. Janet confirmed that the only affected water area is Osler.

Janet then compared the current versus calculated rates for non-residential charges / equivalent unit and residential charges / square meter.

Janet noted that the notice of Public Meeting regarding development charges meets the timelines set out in the Development Charges Act.

Councillor Halos then spoke questioning if there has been any development that would result in a credit owing to any landowners, Janet replying yes, a small number of refunds are to be returned to landowners. Capital Accountant Darcy Chapman then spoke noting a report and by-law will be included on the September 17 Council Agenda, further noting the Report will make reference to the units entitled to a refund.

Mayor Anderson then asked if any member of the public would like to speak regarding the subject public meeting.

Michael Seguin, resident of Peel Street, spoke questioning why there are no water distribution and pumping charges for Craighleith and Castle Glen referenced, Darcy replying that staff are including only the charges that were affected by the addition error in the background study.

Councillor Halos then spoke questioning if some residents will end up paying more, Darcy replying the current rate will be charged from this date forward.

Deputy Mayor McKinlay then spoke questioning if the revision anticipates a change in the timing of payment, Darcy replying no.

As no other member of the public wished to speak Mayor Anderson declared the public meeting to be closed.

**D.2 Don Scott, NEC Chair and Lynne Richardson, Senior Planner
Niagara Escarpment Commission
Re: Draft Strategic Plan 2012 – 2016**

Lynne Richardson, Senior Planner of the Niagara Escarpment Commission (“NEC”) spoke noting the draft Strategic Plan has been circulated to the public and to municipalities and that the public has never before been pre-circulated. Lynne noted the NEC is seeking comments from the Town as well as other municipalities.

Lynne then spoke regarding the mandated activities of the NEC, and reviewed the NEC’s vision and mission statement.

Lynne noted that the NEC 10 year review of the Niagara Escarpment Plan will occur in 2015, with the pre-planning underway at this time in consultation with the Ministry of Municipal Affairs and Housing and Ministry of Natural Resources.

Lynne spoke regarding the ongoing monitoring, employee development and technology.

Lynne spoke noting through communications, the NEC is encouraging awareness of the Niagara Escarpment Biosphere Reserve.

Lynne spoke regarding the next steps in the Strategic Plan review, noting that input would be reviewed with the subcommittee in early September and a draft Strategic Plan will be presented to the NEC on September 20. Following approval of the Strategic Plan by the Minister of Natural Resources, the new Strategic Plan will be posted on the NEC website.

Lynne thanked Council for the opportunity to hear her deputation.

Deputy Mayor McKinlay spoke noting the Niagara Escarpment Commission was viewed in the past that municipalities could not deal with planning matters, and questioned if there is any suggestion of this in the NEC Strategic Plan. Lynne spoke in response noting the NEC feels that one body dealing with implementation of the Plan is better, and results in consistent interpretations for all municipalities and counties. Lynne noted there is strong support to retain a single purpose body to implement the Plan, further noting municipalities play a tremendous role in implementing the NEC Plan through Official Plan documents.

Duncan then questioned if there is a movement to include zoning within the Plan, Lynne spoke in response noting the NEC is always reviewing regulations to streamline applications for development, providing basic standards are met and confirming that development control is site specific.

Councillor Halos then spoke questioning what percentage of the 500 development permits processed by the NEC are processed through the Thornbury office, Lynne replying this is the number processed in the Thornbury office.

Mayor Anderson then thanked Lynne for her presentation.

**D.3 Gert Walter, President Grey Condominium Corporation #28 (“GCC#28”)
Re: Funding for Installation of Sewers at 103 Wensley Drive, Units 1 - 38**

Gert spoke noting Crozier Associates has been retained as the new consultant for GCC#28 and a building permit has been obtained from the Town.

Gert referenced the change to the cost estimate and noted the GCC #28 is prepared to release the documents to tender in two weeks, further noting the project could be started this year. Gert noted the consultant is currently awaiting the results of the test holes, and advised that the consultant could complete a portion of the work this year, with the balance to be completed in the spring.

Gert then reviewed the breakdown of the costs for the sewage hookup and noted he is unsure how the legal fees will be paid. Gert noted the estimated cost is \$39,418 per unit which equals 26 years to repay, when considering repayment of \$1500 per year, with no interest taken into consideration.

Gert noted this summary is being provided to Council and Staff to work out the details. Director of Finance and IT Robert Cummings spoke noting when interest is charged, the amortization will change. Robert then noted that he will advise whether the Town has the authority under the Act to finance private property with a loan to GCC #28 for the work.

Deputy Mayor McKinlay then spoke questioning how Craigeith Condominium financed its servicing, Robert replying that Craigeith Condo paid the Town a lump sum then paid for the work on the private property.

Councillor McKean then spoke questioning if the Town has been involved in decommissioning septic tanks in the past, Gert replying that this cost has been included in the fees reviewed this evening. Robert then noted that the Town has not assisted in the past on works on private property.

Duncan then noted the Town requires a legal opinion as to whether the Town can loan the money and complete this work, Robert replying yes, this is correct.

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 2013 Budget Process, FIT.12.45

Director of Finance and IT Robert Cummings reviewed the Report and noted lower revenues are being received than was projected.

Robert noted the Town's debt is relatively low, and noted The Blue Mountains is fortunate as it continues to attract residents from the Greater Toronto Area to The Blue Mountains. Robert noted that municipal budgets must be balanced.

Robert then noted that service delivery reviews were completed in 2011, the asset management program is not complete as yet, but staff are continuing to work on the program.

Robert then noted the projected increase in 2013 is a 5.7% increase over 2012, and when blending the rate, an approximate increase of 3.2% is projected.

Robert then noted staff is recommending a base budget approach for the 2013 budget.

Councillor Halos then questioned if the 5.75% includes the asset management plan, Robert replying no, but includes the landfill expansion and mining of \$500,000. Robert noted the Town needs to increase its capital.

Joe then questioned if the Town is considering self-insuring, Robert replying that he has not researched self-insuring, but will look into it in the future.

Councillor Martin then spoke questioning who decides if a service is redundant, Robert replying if staff have identified a redundant service it will be identified to Council for Council consideration.

Mayor Anderson thanked Robert for his report, noting it is important to get this information out to the public, further noting that accurate information for the public is very important.

Moved by: Gail Ardiel Seconded by: Michael Martin

THAT Council receive Staff Report FIT.12.45, "2013 Budget Process" for information purposes; and,

THAT Council direct staff to prepare a base budget for 2013 that will support the Town's current service levels; and,

THAT Council direct staff on new services to be included for consideration in the 2013 Budget Review; and,

THAT any new or redundant service be recommended to Council, at the proposed Budget Review meetings, separate of the Base Budget with valid descriptions, estimates and impact for Council's deliberation, unanimously Carried.

Moved by: Michael Martin

Seconded by:

Gail Ardiel

THAT Council call, and direct staff to advertise notice of, a general information meeting of the current membership of the Thornbury Business Improvement Area (BIA), on October 3, 2012, for the purposes of providing fact-based information, facilitating discussions and getting member feedback on the continuation of a BIA in Thornbury; that representatives of the Ministry of Municipal Affairs and Housing (MMAH) and the Ontario Business Improvement Area Association (OBIAA) be invited to provide a presentation and to help facilitate discussions at the meeting, Carried.

Moved by: Michael Martin

Seconded by:

Gail Ardiel

THAT Council directs Staff to work with representatives of the Ministry of Municipal Affairs and Housing, and the Ontario Business Improvement Area Association, prior to the aforementioned general meeting of the Membership, to prepare information and communications for the Business Improvement Area Membership, and the public, regarding the role and impacts of Business Improvement Areas; and

THAT Council direct Town staff to carry forward with organizing and holding the 2012 Apple Harvest Festival and Olde Fashioned Christmas events, as outlined in report CAO.12.05, including provision of \$1000 from the 2012 BIA Budget to the Blue Mountain Village Association towards marketing for the 2012 Apple Harvest Festival

In speaking to the Motion, Deputy Mayor McKinlay noted that he supports the Motion based on the premise that Staff will advertise for volunteers to assist with the events, and if there is a lack of volunteers coming forward to assist, that the events be cancelled.

Council then voted on the Motion, Carried.

Councillor Ardiel then spoke seeking the assistance of the Blue Mountains Chamber of Commerce, membership of the Thornbury BIA and the Blue Mountain Village Association.

Mayor Anderson spoke expressing her gratitude to the membership of the Thornbury BIA for their hard work and dedication in the past.

F.4 County of Grey – Smoke Free Outdoor Spaces By-law, B.12.22

Director of Planning and Building David Finbow spoke noting County Council is requesting comments from lower tier municipalities regarding their Smoke Free Outdoor Spaces By-law.

Deputy Mayor McKinlay expressed concern with the enforcement of the By-law, David concurring noting banning smoking 9 metre radius from all patios would be problematic.

David then noted a public meeting should be held to receive comments, and reiterated that enforcement will be a challenge. David then noted he will bring a recommendation forward to the next Planning and Building Committee meeting for Council consideration.

F.5 Request for Comments, Niagara Escarpment Commission, Sven and Judy Larsen, East Part Lot 10, Concession 7, PL.12.98

Moved by: R.J. Gamble Seconded by: Joe Halos

THAT Council receive Planning Staff Report PL.12.98, "Request for Comments – Niagara Escarpment Commission: Development Permit Application File No. G/R/2012-2013/9039 – Sven and Judy Larsen, East Part Lot 10 Concession 7; Town of The Blue Mountains";

AND THAT Council advise the Niagara Escarpment Commission that the Town has no objection to the Development Permit Application to: construct a 1 storey 431.1 square metre dwelling with walkout, having a maximum height of 7.3 metres; to install a new private sewage disposal system; to convert an existing dwelling into a workshop/art studio/sauna; and to extend the existing driveway conditional upon the following:

1. That an updated Environmental Impact Study is completed to review the potential impacts of development within 120 metres of a provincially significant wetland and to review the potential impacts of development on the surrounding Butternut Trees.
2. That the proposed dwelling is located a minimum of 8.0 metres from the southerly side lot line.
3. That a Change of Use Building Permit is obtained from the Town of The Blue Mountains Building Department to ensure that the existing dwelling is converted into a workshop / studio / sauna and that any required plumbing fixtures and/or other elements of the dwelling are removed, and that no portion of the dwelling can be considered habitable space.
4. That the proposed workshop / studio / sauna building is not used for commercial purposes, unanimously Carried.

F.6 Feral Cat Program – Request for Assistance, B.12.19

Mayor Anderson spoke regarding the expenses to be incurred by the Town and referenced discussions with veterinary Tina Gray.

Ellen noted the Program has received donations from the public to assist the Program.

Councillor Halos spoke noting he supports the Program in principle but is concerned that the Program would add a new level of service to the duties of By-Law Enforcement.

David then noted there is money in the budget that could be used for the purchase of the traps, further noting Municipal Law Enforcement Officer Brenda Doyle has experience in feline trapping.

Councillor McKean then spoke noting the Municipal Law Enforcement Officer would be on private property and questioned the Town's obligation for rabid cats, David replying that there could be a claim against the Municipality and that it would depend on the circumstances. David noted that the property owner's authorization would be required in all instances.

John then noted trapping feral cats can have serious implications, further noting he would consider the purchase of the traps to loan to private land owners. John noted he is concerned about the future budget implications of the Program. David spoke in response noting the trapping will be scheduled based on the availability of the veterinary.

Ellen then spoke noting it is proposed that two to three cats per week will be trapped to start, but noted if the liability is a larger issue than was initially thought, that the Program may have to be reconsidered.

Councillor Martin then spoke noting Council should support the purchase of the items and the By-Law Enforcement assistance.

Councillor Ardiel then questioned if the Town of Collingwood's feline by-law is still in place, David replying that the Town of Collingwood repealed this by-law earlier this year.

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

THAT Council receive Staff Report B.12.19 "Feral Cat Program – Request for Assistance";

THAT Council would partner with the Catsnip Program by considering a Feral Cat Trap/Neuter/Return By-Law and by considering the appointment of several qualified volunteers as proposed by Georgian Triangle Humane Society and Blue Mountain Veterinary Services as municipal law enforcement officers whose sole duty would be trapping of feral cats in areas identified as problem feral cat areas;

AND FURTHER upon the appointment of said officers, the Town provide funding as follows:

Traps approximately \$300
Gloves approximately \$50

In speaking to the Motion, Councillor McKean questioned the reasons why the Town of Collingwood rescinded their by-law, David replying that the licensing of cats was found to be problematic more so than the feral cat program.

Councillor Gamble then questioned if the Town is responsible through WSIB or insurance for an appointed Municipal Law Enforcement Officer's injury, David replying yes that this is a concern and the threat of a lawsuit against the Town if an injury occurs.

Mayor Anderson then spoke noting it is the vision of the Catsnip Program that other veterinary clinics will get on board.

Deputy Mayor McKinlay then spoke noting information should be sought from the Humane Society on how their volunteers are protected.

Council then voted on the Motion, Carried.

F.7 Ontario Heritage Trust Scholarship Nomination, DOR.12.37

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

THAT Council receive Staff Report DOR.12.37 "Ontario Heritage Trust Scholarship Nomination"; and

THAT Council recommends Hannah Russwurm, former summer student of The Blue Mountains at the Craighleith Heritage Depot in her application for a Two Thousand Dollar Scholarship through the Ontario Heritage Trust's Young Heritage Leaders scholarship, unanimously Carried.

**F.8 Tenders Awarded by the Tender/Proposal Award Committee (TPAC),
FIT.12.50**

Moved by: D.R. McKinlay

Seconded by: Gail Ardiel

THAT Council receive Staff Report FIT.12.50 "Tenders Awarded by the Tender/Proposal Award Committee (TPAC)" detailing the following awards, for information purposes:

1. Standardized use of Spectrum Communications for corporate wireless network installation and maintenance services for a term of three (3) years, within the approved capital and operating expense budgets for the IT and Water & Wastewater Divisions as outlined in Staff Report FIT.12.48 "Standardization of Corporate Wireless Networks Vendor" dated August 14, 2012.

2. Award of Tender 2012-31-T-EPW – Completion of Stonegate Subdivision to Harold Sutherland Construction Ltd. in the amount of \$73,846.42 plus applicable taxes, which includes a \$5,000 contingency allowance, unanimously Carried.

G. Consent Agenda

Accounts

G.1 Accounts

G.2 Invoices separated for pecuniary interest
(Miller Waste and South Paw)

Reports List (Adopt)

G.3 Finance and Administration Committee Report, August 23, 2012

G.4 Infrastructure and Recreation Committee Report, August 23, 2012

Minutes List (Receive)

G.5 Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Committee Minutes, May 25, 2012

G.6 Nottawasaga Valley Conservation Authority Highlights, July 27, 2012

H. By-laws

H.1 By-Law to Amend the Procedural By-law

Moved by: Joe Halos

Seconded by: R.J. Gamble

THAT By-law No. 2012 - 53 being a By-law to amend By-law 2009-59, being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains be passed this twenty-seventh day of August, 2012, Carried.

I. New and Unfinished Business

I.1 Grey County Council Update

EA, DMcK

Deputy Mayor McKinlay then spoke encouraging all of Council to the Grey County Governance Task Force Information Session on October 3, 2012, noting it will be a benefit to all.

I.2 Notice of Motion

Council

I.3 Additions to Agenda

Staff

Councillor Martin spoke regarding the Grey Sauble Conservation Authority noting member municipalities with populations over 10,000 have two members appointed to the Grey Sauble Conservation Authority. Michael noted that he has been in discussions with the members of Conservation Authority, and advised that The Blue Mountains pays over a third of the Conservation Authority's budget, but The Blue Mountains has just one member appointed to the Conservation Authority.

Michael noted that a resolution of Council from all member municipalities consenting to an additional member from The Blue Mountains is required before an additional member can be appointed.

Mayor Anderson spoke in response to Councillor Martin thanking him for lobbying at the Grey Sauble Conservation Authority to have a second Blue Mountains Council member appointed to the Conservation Authority. Mayor Anderson then questioned if Council would support the appointment, Council concurring.

Councillor Ardiel then spoke noting at the Nottawasaga Valley Conservation Authority there is a movement to reduce the number of members on the Board to a single member from each municipality so as to reduce costs. Gail noted she would appreciate if Grey Sauble reduced its members to single members as well.

I.4 Staff Discussion

J. Notice of Meeting Dates

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

Finance and Administration Committee, September 11, 2012 1:00 pm
Town Hall, Council Chamber

Infrastructure and Recreation Committee, September 11, 2012 3:00 pm
Town Hall, Council Chamber

Council Meeting, September 17, 2012
Town Hall, Council Chamber

K. Closed Session

Moved by: John McKean Seconded by: Gail Ardiel

THAT with regard to subsection 239 of the *Municipal Act, 2001*, this Council do now move into closed session in order to address matters pertaining to the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;

AND with regard to the disposition of an Application for Leave to Appeal related to an OMB Decision/Order respecting Short Term Accommodation Uses; an Application for Injunctive Relief (109 Lucille Wheeler); and, a matter that has been referred to the OMB (Telfer Homes/Thornbury Meadows), Carried.

Council moved into closed session at 10:10 pm.
Council moved into public session at 11:17 pm.

L. Confirmation By-law and Adjournment

Mayor Anderson vacated the Chair and requested Deputy Mayor McKinlay assume the Chair.

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

THAT By-law No. 2012 - 54, being a By-law to confirm proceedings of the Council of The Corporation of the Town of The Blue Mountains on August 27, 2012, be hereby enacted as passed this 27th day of August, 2012, Carried.

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

THAT this Council does now adjourn at 11:18 p.m. to meet again September 17, 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