

Minutes - The Blue Mountains Council Meeting



MEETING DATE: September 8, 2008

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Stephen Keast, Clerk

A. Call to Order

- Mayor Anderson called the meeting to order with all members in attendance, save Councillors Martin and McKean, both absent due to previous commitments
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Engineering and Public Works Reg Russwurm, Director of Planning Peter Tollefsen, Director of Building and By-Law David Finbow, Fire Chief Ron Doherty, Director of Finance Rob Cummings, Manager of Water and Waste Water Services John Caswell, Director of Recreation Shawn Everitt, and Manager of Development Planning Rob Armstrong and Chief Executive Officer of The Blue Mountains Library Carol Cooley
- Council then paused for a moment of Personal Prayer or Reflection.
- Approval of Agenda:

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

THAT the Agenda of September 8, 2008 be approved as circulated, including any items added to the Agenda, Carried.

- The Clerk then noted a request to Council for reconsideration of an exemption to the Town Noise By-Law made by the Grey County Transportation and Police Safety Department would be considered as an addition to the Agenda.

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

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Mayor Anderson with regard to Agenda Item G.2 Accounts Payable and a cheque payable to her father and Councillor Kennedy with regard to Agenda Item G.2, Accounts and cheques payable to his daughter Maggie Kennedy.

- Adoption of Consent Agenda

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

THAT the Consent Agenda of August 18, 2008 be adopted as circulated, save and except Agenda Items G.3, Finance and Administration Committee Report and G.4, Engineering & Public Works Report, requested for separate review and discussion, Carried.

- Previous Minutes

Moved by: Cameron Kennedy Seconded by: John McGee

THAT the Council minutes of August 18, 2008 be adopted as circulated including any revisions to be made, Carried.

B. Deputations/Presentations

None

C. Correspondence as previously circulated

Councillor Gamble then noted Correspondence Item C.3, Orleen and Robert Anderson, noise-related concerns, is related to Council Agenda Item G.3 and the matters could be considered at that time.

Councillor McGee then noted the Andersons were in attendance and requested Council consider hearing them briefly when the matter is discussed, Council concurring.

Regarding Items C.1 and C.2, Nottawasaga Valley Conservation Authority invitation to participate in the Lower Nottawasaga River Basin and Georgian Bay Pilot Project Steering Committee, Mayor Anderson noted interest in the Committee work.

Council then dealt with the following Resolutions:

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

THAT Council appoint Mayor Ellen Anderson to be on the Lower Nottawasaga River Basin and Georgian Bay Pilot Project Steering Committee, Carried.

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

THAT Correspondence Items C4 to C8 be received and referred as recommended, Carried.

Regarding correspondence Item C.3, Robert and Orleen Anderson and noise concerns related to Golden Town Apple Products, Mayor Anderson then asked Orleen Anderson if she wished to speak at that time.

Orleen then recounted their experience with Golden Town, noting the plant was initially constructed two years after their house was built, with noise levels from truck traffic and yard equipment operating at steadily increasing noise levels.

Orleen then requested Council give Golden Town some opportunity to decrease noise levels.

Councillor Gamble then recounted a previous deputation from Golden Town Apples to the Finance and Administration Committee, noting the situation represented a local industry operating due to seasonal demand, further noting the plant had earlier been recommended for a September to December exemption by the Committee.

Bob further noted it appeared that some trucks come long distances and often arrived late at night, adding with farm activity the crops are delivered during harvest season.

Bob then noted some attempt might be made to soften noise levels during the night, adding it was a serious issue that would be difficult to address to everyone's satisfaction.

Councillor McGee then noted reducing activity from 11:00 p.m. to 7:00 a.m. with plug-ins provided for diesel vehicles would seem logical, 24 hour a day operation seeming to be a stretch in a rural area.

John then compared the situation to a cut-off time of 11:00 p.m. for other noise exemptions, adding some relief could be considered.

Councillor Gamble then noted apple processing is not the only industry with noise exemptions, citing snow making in the winter as an example, adding the Ministry of Environment has established guidelines for noise generation for industrial operations.

Bob then questioned if the Ministry of Labour would allow any reduced volume of back-up devices.

Deputy Mayor McKInlay then questioned if there had been any discussion with By-Law Enforcement as to what relief might be available, Director of Building and By-Law Enforcement recounting previous discussions with Golden Town regarding noise reduction between 7:00 p.m. and 7:00 a.m.

David further noted Golden Town had little control over when trucks arrive and relocation of the weigh scales would be cost prohibitive.

David noted nothing in particular had been addressed, adding some efforts had been made to reduce noises but it appeared difficult to address the matter given the nature of the operation, other than restricting truck traffic after hours.

David further noted discussion with Golden Town could continue together with the other interested parties.

Duncan then noted a business could continue to operate in such a situation with enforcement efforts to follow.

David then noted enforcement could proceed through the courts or by injunction or a common ground could attempt to be reached, adding the Ministry of the Environment could be brought in for mediation.

Duncan then questioned if discussion had yielded any significant reduction measures, David noting actively policing the truck traffic had not yet been attempted.

Councillor Martin then attended the meeting.

Duncan then questioned why trucks needed to idle, David noting temperature and ignition concerns.

Duncan then noted there could be other methods of organizing trucks as they arrive, David noting trucks could be marshalled although trucks will continue to arrive, be weighed and depart.

David noted activity peaks during harvest, but operations continue essentially year round.

Councillor McGee then noted idling trucks contravene the Town's anti-idling campaign, questioning if the Anderson's concerns had been relayed to Golden Town, David noting a meeting has been requested.

John then questioned if such issues would be addressed in any new, draft Noise By-law, David noting a draft By-law will be presented at the next Finance and Administration Committee meeting which will contain noise zone areas within the Town and measurable noise levels that would be permitted.

Mayor Anderson then noted Golden Town had made some efforts and she looked forward to hearing results of any discussions, David noting the Finance and Administration Committee recommended a partial exemption until January.

Ellen then proposed Council further consider the matter during the consideration of the Finance and Administration Committee Report.

D. Motions and Staff Reports

D.1 2007 Financial Statements

Director of Financial Services, Rob Cummings then reviewed the 2007 Financial Statements, noting the statements had earlier been presented to the Finance and Administration Committee.

Councillor Gamble then noted a significant investment in unfinanced projects, Rob noting such projects will be financed as they progress and some local improvement projects have not yet been billed, adding it is expected unfinanced projects will reduce in 2008.

Council then dealt with the following Resolution:

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

THAT Council receive the December 31, 2007 Financial Statements as audited by BDO Dunwoody and authorize submission of the statements to the Ministry of Municipal Affairs and Housing and further authorize Staff to advertise to the public in accordance with Town Policy, Carried.

D.2 Canada Post – “Collingwood L9Y”, SRB.08.47

Director of Building and By-Law Enforcement David Finbow then reviewed the Report, recounting past efforts to consider the Collingwood L9Y postal code, the issue being considered for the past ten years.

David noted Canada Post had recently indicated the Town can use a name other than the formal name of the Town provided it was consistent with the Town's name.

Duncan then questioned how the new guidelines developed, Rob noting due to volunteer shortages the Fire Department wished to advise Council of the current status of operations, with work progressing on volunteer recruitment and the Master Fire Plan.

Ron noted the current guideline acts to protect the firefighters.

Councillor Kennedy then questioned what service level would be appropriate, Ron replying a minimum of 15 firefighters at each Hall, each with five years experience.

Councillor Gamble then questioned if intensive training would reduce the five year experience requirement, Ron noting training was intensive at present with experience invaluable.

Ron noted volunteers vary in terms of being available for practices and actual fire attendance, in terms of acquiring experience.

Bob then questioned if Hall targets should exceed 20 volunteers, Ron noting 20 can barely be achieved.

Duncan then noted concern with Council approving policies that may restrict operations during a fire response if an experienced Captain made a judgment decision, Ron noting that judgement decisions could still occur based on attendance of firefighters on scene.

Rob then noted there was a difference between extinguishing a localized contents fire versus an interior fire that was threatening structural rigidity, adding the biggest danger was roof involvement in a structure fire.

Mayor Anderson then questioned mandatory sprinkler systems, Chief Building Official David Finbow replying Ontario does not require residential sprinkler systems.

Duncan then questioned if a municipality could require such sprinkler systems, David replying a municipality cannot enact a By-law that would supercede the Ontario Building Code.

Duncan then questioned if a timing provision for service level review should be included, adding Council must continue ongoing recruitment and fire prevention efforts.

Chief Administrative Officer Paul Graham then noted work continues on the Master Fire Plan which should be before Council shortly.

Councillor Martin then clarified if Council was being asked to approve a lesser level of service than at present, Ron noting the Emergency Services By-Law does not address levels of service, with the current guideline stipulating if trained personnel are not in attendance then interior rescue is not considered.

Duncan then stated he believed the Department has already established operational guidelines and Council is now being advised of same, with Council able to further address the situation.

Council then dealt with the following Resolution:

Moved by: Cameron Kennedy Seconded by: John McGee

THAT Council accept Staff Report FD.08.03, "Level of Service – Update".

In speaking to the Motion, Councillor Martin suggested the word "accept" should be changed to "receive", Councillor Kennedy noting no concern with accepting the Report.

Council then voted on the Resolution, Carried.

Duncan then questioned if the guideline would trigger any insurance coverage issues, Ron noting there may be some questions on the topic.

D.4 Sustainable Community Improvement Plan, PL.08.103

Director of Planning Peter Tollefsen then reviewed the Report, noting a Review Committee was proposed to consider the Community Improvement Plan Request for Proposals as received to date.

Councillor McGee then offered to serve on the Review Committee.

Council then dealt with the following Resolution:

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

THAT Council appoint Councillor John McGee to be on the Review Committee to evaluate the submissions from Firms to prepare a Sustainable Community Improvement Plan, Carried.

D.5 Application for Zoning By-law Amendment to Remove Holding "-h" Symbol – Lora Bay Corporation – Lot 25, 16M-17, Town of The Blue Mountains, PL.08.104

Councillor Martin then declared a pecuniary interest with regard to the matter and occasional employment of his spouse by Lora Bay Corporation and did not take part in related discussion or voting.

Council then dealt with the following Resolution:

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

THAT Council does receive Staff Report PL.08.104, "Application for Zoning By-law Amendment to Remove Holding "-h" Symbol – Lora Bay Corporation – Lot 25, 16M-17, Town of The Blue Mountains";

AND THAT Planning Staff supports a Zoning By-law Amendment to remove the Holding "-h" symbol for Lot 25, Registered Plan 16M-17 on the basis that the septic system has been decommissioned in accordance with MOE Guidelines.

In speaking to the Motion, Councillor Gamble questioned if the septic tile bed system had been decommissioned, Manager of Development Planning Rob Armstrong replying yes.

Council then voted on the Resolution, Carried.

D.6 MNR Work Permit Application – Lots 66, 67 & 68, Plan 529, Blue View Chateaux Inc., A.08.09

Moved by: D.R. McKinlay

Seconded by: Michael Martin

THAT Council does hereby authorize the County of Grey to carry out construction on the Grier Creek Bridge from 6:00 a.m. to 8:00 p.m. – Monday to Friday.

In speaking to the Motion, Deputy Mayor McKinlay noted concern with the issue but was wished to complete the project with daylight getting shorter and coming off a wetter than normal summer season.

Duncan then questioned how Council would deal with an extended concrete pour, Director of Building and By-law Enforcement David Finbow noting any works outside the noted timeframe would require an additional exemption.

David then noted the Town could provide notice to residents of the pour if 48 hours notice was provided by the County.

Council then dealt with the following amending Motion:

Moved by: D.R. McKinlay

Seconded by: Cameron Kennedy

THAT the Main Motion be amended with the addition of the phrase “together with one 24 hour exemption to be address the concrete pour provided 48 hours notice is provided to the Town so as to advise area residents.”

In speaking to the Amending Motion, Councillor Martin noted this matter has been before Council for some time and would he not support the 24 hour exemption.

Council then voted on the Amending Motion, Carried.

Council then dealt with the Main Resolution, as amended:

THAT Council does hereby authorize the County of Grey to carry out construction on the Grier Creek Bridge from 6:00 a.m. to 8:00 p.m. – Monday to Friday, together with a single 24 hour exemption to address an extended concrete pour provided 48 hours notice is provided to the Town so as to advise area residents, Carried.

F. By-laws

F.1 By-law to Amend By-law 2001-88 With Respect to Fire Routes

Moved by: Cameron Kennedy

Seconded by: John McGee

THAT By-law No. 2008 - 83, being a By-law to establish additional Fire Routes within the Town, be hereby enacted this eighth day of September, 2008.

In speaking to the Motion, Councillor Gamble questioned which library driveway was included, Director of Building and By-Law Enforcement David Finbow replying the westernmost driveway was included.

Council then voted on the Resolution, Carried.

F.2 Request for Extension of Services, Lot 24, Plan 529

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

THAT By-law No. 2008 - 84, being a By-law to impose capital charges for the cost to extend water and wastewater services to the west side of 209691 Highway 26, Lot 24, Plan 529, be hereby enacted this eighth day of September, 2008, Carried.

F.3 Removal of Holding Symbol – Lora Bay

Councillor Martin declared a pecuniary interest with regard to the matter and occasional employment of his spouse by Lora Bay Corporation and did not participate in related discussion or voting.

Council then dealt with the following Resolution:

Moved by: Cameron Kennedy Seconded by: John McGee

THAT By-law No. 2008 - 85, being a By-law to remove the Holding “-h” symbol from Lot 25, Plan 16M-17, Lora Bay Corporation, be hereby enacted this eighth day of September, 2008, Carried.

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest (A. Gibson, E.C. King, Maggie Kennedy)

Reports List (Adopt)

3. Finance and Administration Committee, August 19, 2008

Deputy Mayor McKinlay then noted it appeared Council would receive the Committee Report regarding the Golden Town noise issue and noted Director of Building and By-Law David Finbow would meet with the affected parties and report back to the Finance and Administration Committee.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT the Finance and Administration Committee Report dated August 19, 2008, be adopted as circulated, including any Recommendations contained therein, Carried.

4. Engineering and Public Works Committee, August 26, 2008

Councillor Gamble then noted the Engineering and Public Works Committee Report accepted all winter maintenance tenders with an additional snow plow to operate in the Town below the escarpment to speed snow clearing.

Council then dealt with the following Resolution:

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

THAT the Engineering and Public Works Committee Report dated August 26, 2008, be adopted as circulated, including any Recommendations contained therein, Carried.

Minutes List (Receive)

- 5. GSCA Source Protection Report 5a, August 13, 2008
- 6. NVCA Board Meeting Highlights, August 22, 2008

Chief Administrative Officer, Paul Graham then reviewed the proposed Christmas operations schedule, being Town Office closure at noon-hour on December 24, 2008, re-opening Monday, January 5, 2009.

H. Next Meeting Date(s)

Council September 22, 2008, October 15 (Wed), 27, November 10, 24, 2008
Planning Council October 6, November 3, 2008

All Council meetings to be at the Library unless otherwise noted

- Engineering and Public Works Committee, September 23, 2008
- Finance and Administration Committee, September 23, 2008
- Recreation Committee, September 25, 2008

I. Confirmation By-law and Adjournment

Councillor Martin had earlier in the meeting declared a pecuniary interest and did not take part in related discussion or voting regarding the Confirmation By-law.

Council then dealt with the following Resolutions:

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

THAT By-law No. 2008 - 86, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on September 8, 2008, be hereby enacted as passed this eighth day of September, 2008, Carried.

Moved by: John McGee Seconded by: Cameron Kennedy

THAT this Council does now adjourn at 8:54 p.m. to meet again September 22, 2008, 7:00 pm, L.E. Shore Library, or at the call of the Chair, Carried.

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Ellen Anderson, Mayor

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Stephen Keast , Clerk