

## Minutes - The Blue Mountains Council Meeting



**MEETING DATE:** September 28, 2009

**LOCATION:** L.E. Shore Memorial Library

**PREPARED BY:** Stephen Keast, Clerk

### A. Call to Order

- Deputy Mayor McKinlay called the meeting to order with all members in attendance, save Mayor Anderson, absent due to family commitments and Councillors Martin and McGee, absent due to vacation.
- Also in attendance was CAO Paul Graham, Director of Engineering and Public Works Reg Russwurm, Director of Financial and Information Services Rob Cummings, Deputy Treasurer Elizabeth Thompson, Manager of Revenue Ruth Prince, Director of Special Projects (Sustainability) Peter Tollefsen, Director of Recreation Shawn Everitt, Library CEO Carol Cooley, Director of Building and Planning David Finbow, Planner Cindy Welsh, Municipal Assessment Consultant Dennis Doyle and Town Solicitor John Metras.

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

- Approval of Agenda:

Moved by: Cameron Kennedy    Seconded by: John McKean

THAT the Agenda of September 28, 2009 be approved as circulated, including any items added to the Agenda, and as to the amendment in the order of the items on the Agenda, Carried.

The Clerk then noted a Closed Session was requested by Staff to address personnel matters related to Disaster Relief Committee appointments and property matters related to consideration of purchase or disposition of land.

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

Councillor Gamble then requested the Finance and Administration Committee Report of September 22, 2009 and the Infrastructure and Recreation Committee Report of September 22, 2009, be separated for review and discussion.

Council then dealt with the following Resolutions:

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

THAT Consent Agenda Item G.1, Accounts, be adopted as circulated, Carried.

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

THAT Consent Agenda Item G.2, Separated Accounts, be adopted as circulated, Carried.

NOTE: Councillor McKean had earlier declared a pecuniary interest with regard to Agenda item G.2, Accounts and cheques payable to his place of employment.

Previous Minutes

Moved by: John McKean                      Seconded by: Cameron Kennedy

THAT the Council meeting minutes of September 14, 2009 and Special Meeting minutes of September 2 and 9, 2009, be adopted as circulated, including any revisions to be made, unanimously Carried.

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

## **B. Deputations/Presentations**

### **B.1 PUBLIC MEETING – Camperdown Development Charges**

Deputy Mayor McKinlay then called the scheduled Public Meeting to order and explained that on September 28, 2009, 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 proposed development charge rates and policies that will be applied to the Camperdown Service Area. It is proposed that enactment of a Development Charge By-law by Council would occur October 14, 2009.

Development Charges are levied against new development, and are a primary source of funding for growth-related capital expenditures. Town capital services for this By-law include water and wastewater services.

Town 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 Town Wide Development Charges Background Study, July 2009, related staff reports and the proposed Development Charges By-law.

Rob then reviewed the past Camperdown Development Charge By-law enacted in 2008, noting updated cost estimates and growth forecasts have now been completed, resulting in proposed amendments to the 2008 By-law.

Deputy Mayor McKinlay then asked if anyone present wished to speak to the proposed amendments.

Indian Circle resident Boyd Marshall then spoke, noting correspondence had been forwarded from area residents and questioned if Council was going to respond to the questions regarding the amendments and revisions to the Development Charges prior to proceeding.

Duncan then noted Council would not consider any By-law this evening but it was scheduled to be considered on October 14, the purpose of this Public Meeting to hear input from the public.

Mr. Marshall then noted the 2005 Development Charge Background Study indicated 868 existing units benefiting from the sewer servicing, the 2009 Study reduced to 509 units, an issue of concern with the resulting increase in per unit charges.

Duncan then noted Staff would consider the correspondence and questions raised in preparing future Reports.

Fred Barnes of Georgian View Estates then spoke, noting the sewage cost estimates have gone up significantly for a development that has existed since 1989 and he would like to know how the increased costs have come to be, given no present inflation.

Duncan then noted a past Public Information Centre where the project costs and preliminary engineering estimates were reviewed in detail, adding there has been tremendous inflation in the construction industry.

Fred then noted the reduced unit count has greatly increased individual unit costs.

Shiela Wilcox of Georgian View Estates then questioned Camperdown trunk sewer line costs and a previous cost estimate that had increased dramatically, Rob noting there were end of construction and legal costs added to the project.

Shiela then noted the construction is complete and costs should be known, Duncan noting the project came in over the tendered cost, Rob noting he would review the estimates for a later Report.

Mr. Marshall then noted the trunk sewer has been completed for four years and now additional charges are being levied over and above initial cost estimates.

Duncan then noted the final costs for Georgian View residents will be based on the Georgian View specific project costs, Boyd noting the costs will include a treatment plant capital charge, trunk sewer works and the local servicing costs with the sewer cost now almost doubled.

Terry Thompson of Georgian View Estates then spoke, noting cost estimates for the trunk work portion was provided in Staff Report EPW.06.131, showing costs of \$3,500 per unit, now \$6,500.

Terry then noted the affordability consideration appears to have been met by extending the amortization period, but should rather be considered in terms of a lump sum cost, which is what people will have to pay in the end.

Sheila Wilcox then questioned how much of the charges are then paid back to the developers, Liz noting 100% of the charges being considered tonight as the developers pre-paid the trunk sewer costs.

Mr. Marshall then questioned the reasons for the difference between the \$3,500 and \$6,500 sewer charges.

Duncan then thanked those in attendance for their comments and noted it was proposed Council would consider the By-law on October 14.

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

## **B.2 Don Braden, Blue Mountain Village Association – Plunge aquatic facility taxation classification**

Don then spoke, noting the BMVA and Town Staff are working together to address the property taxation classification for the Plunge facility.

Don further noted an appeal of the assessment of the facility has also been made in addition to the subject request for reduction in taxes through re-classification, in addition to negotiations regarding ownership of the capital facility.

Don then requested Council to Table the Recommendation in Staff Report FIS.09.45 at this time, pending further negotiation.

Deputy Mayor McKinlay then noted he believed Council had until September 30 to make a decision, John Metras noting if Council does not make a decision before September 30 they cannot review the matter at a later date and the Assessment Review Board would then address the matter.

Duncan then noted Staff are recommending the request be denied based on non-compliance with Act requirements for Residential classification, Don noting it was the intention to have the appeal process available to the BMVA, John Metras noting the BMVA would have the ability to re-apply for the 2009 tax year.

Don then noted the change in ownership from Intrawest to BMVA is considered a significant change event as noted in the Act and the BMVA is a non-profit service organization in the community which would allow the facility to be classified Residential.

Don further noted the Plunge is an important recreational facility within the Town and is consistent with the aims of the Leisure Activities Plan as a public-private partnership and relieves the Town of operating such a facility, which had a \$200,000 loss in 2009.

Don then noted the requested would cost the Town approximately \$2,000 per year in reduced taxes.

Councillor McKean then questioned how long the proposed re-classification might take, Don replying no.

### **B.3 Caroline Marshall, Envision, Peter Tollefsen – Cultural Heritage Landscape Assessment Report**

Peter then introduced Caroline Marshall of Envision and the Cultural Heritage Landscape Assessment Report.

Peter then noted the Renewable Energy Review Policy Option Report recommended a Cultural Heritage Landscape Assessment Report be prepared for the unconstrained areas identified in the Policy Option Report and Caroline is now here to present the Cultural Heritage Report.

Caroline then noted the Report had been on hold pending finalization of the Green Energy Act.

Caroline noted that identifying Cultural Heritage Landscapes helps align policies and practices with the Provincial Policy Statement and provides a comprehensive review of the historic and built environment as well as the historical relationship to prominent natural features.

Caroline then identified ten areas within the Study Area identified as CHL's.

Caroline then reviewed Conservation and Planning Tools available to address CHL's, including the Listing of CHL's in a register and formal Designation of

properties under the Ontario Heritage Act, noting Listing does not offer the same level of protection as does Designation.

Caroline then noted the Report recommended the Town establish a Municipal Heritage Advisory Committee, complete an inventory of built heritage resources and CHL's and establish a Listing register of properties of cultural value or interest.

Councillor McKean then questioned if Listing a property versus Designation and if there was any impact on land use or what could be done with the property, Caroline replying yes, formal Designation being restrictive as to changes and renovations, adding Designation of a property no longer requiring a landowner's permission under the Ontario Heritage Act but not often done without it.

Caroline then clarified Listing tends to address a broader area with broader policies that would apply.

Councillor Gamble then noted the Provincial government has recently relaxed planning consideration of wind turbines of a certain size, adding it appears there will have to be a lot of work done now to assess buildings and property against heritage and cultural criteria, for example an area that used to have mills and now no longer do.

Bob then questioned if it would be difficult to assess general areas as CHL's, Caroline replying given limited consultation to date, she would recommend additional study before proceeding.

Caroline then noted a Heritage Conservation District Designation would require additional study and review, the CHL review a broad examination of an area.

Duncan then questioned if it was now up to Council to consider and implement the Study, Caroline replying yes.

Deputy Mayor McKinlay then thanked Caroline for the historical highlights contained in the Report.

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

Moved by: Cameron Kennedy    Seconded by: John McKean

THAT this Council does hereby receive the Correspondence of September 28, 2009 and further does support the Staff Recommendation made with regard to the Correspondence items, including any additional direction given to Staff through discussion, with an appropriate Staff action or response awaited for report back to Committee or Council where indicated, unanimously Carried.

Councillor Gamble then noted Items C.4 and C.5 requested Council direction, noting there are no real guidelines or information at this time regarding the Harmonized Sales Tax and the correspondence could be received and filed at this time.

Regarding C.5, Bob then noted he would support the purchase of two tickets and if no one is available to attend he would consider a donation in the same amount.

Council then dealt with the following Resolutions:

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

THAT correspondence from the Town of New Tecumseh regarding the proposed Provincial Harmonized Sales Tax be received, unanimously Carried.

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

THAT Council authorize two tickets in the amount of \$250 to the Georgian Triangle Hospice Annual Dinner and if no Town representatives are available a donation in the same amount be made, unanimously Carried.

<b>Author</b>	<b>Recommendation/Action</b>
1. Terry Thompson, Georgian View sewers	Refer to Finance
2. Lupus Foundation, support declaration	Motion D.4
3. Thornbury BIA, Apple Harvest road close	By-law F.1
4. New Tecumseh, Harmonized Sales Tax	Direction as to Motion
5. Georgian Triangle Hospice, Annual Dinner	“                      “
6. To Township of Chatsworth, Thank you	Receive for information
7. Minister of Municipal Affairs, Tornado event	“                      “
8. Blue Mountain Watershed Trust, Thank you	“                      “
9. Simcoe County MS, Society, AGM	“                      “

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

##### **D.1 Blue Mountain Village Association Change in Tax Classification, FIS.09.45**

John then reviewed the Report, noting it represents an application under section 357(1)(a) of the *Municipal Act, 2001* for a reduction in property taxes by requesting the Town to authorize re-classification from commercial to residential if there has been a change event related to the property, being a change in use. John further noted there has been a change in ownership but Staff does not believe a change in use has occurred.

Councillor Gamble then noted in going beyond the general discussion that Council should recognize the economic development benefit felt throughout the Town through the Blue Mountain Village Association and what the operator feels is excessive taxation and Council so determines, part of the Economic Development Budget could be set against the BMVA costs in operating the Plunge facility.

Bob then requested the Recommendation be separated into two questions.

John then noted Staff realize the benefits derived from the facility but also do not believe Section 357 of the Act would apply, in that a change of use did not occur and the BMVA is not a non-profit service organization whose primary function is to provide services to promote the welfare of the community, but rather their primary function is to provide services to their members.

Bob then noted he believed it could be possible to consider the facility under the residential classification as being health club facilities adjacent to a condominium.

Councillor McKean then questioned if the exercise was a moot point, Dennis noting the assessment and classification are before the ARB for 2007, 2008 and 2009 and an information exchange is ongoing and ultimately will go before the ARB no matter what Council does.

Duncan then noted Council may not think there has been a change of use but the applicant does, John noting the applicant has offered the change in ownership as the change event required under the Act.

John then noted the ARB will be the final arbiter in the matter and Council's decision could be appealed as well as the assessment and classification.

Duncan then noted the long term plan could be to work with the ratepayer, John noting he did not disagree but did not believe Section 357 was not the tool.

Duncan then questioned what would happen if Council rejected the Recommendation, Ruth noting Town, County and Board of Education taxes would be reduced, John noting the County and Board cannot appeal.

Cameron then questioned the impact if Council accepted the Recommendation, John noting a reduction in taxation of approximately \$2,000, Councillor McKean noting it would ultimately be up to MPAC and the ARB.

Cam then questioned if the Recommendation was rejected would it strengthen the BMVA case before the ARB, Dennis replying MPAC would likely go along with it, adding MPAC, the ARB and BMVA have to get together and a decision has to be made and they are now putting the onus on Council to make the decision.

Don Braden then spoke, noting it should be a matter of public policy rather than allowing MPAC to determine the outcome.

Paul then noted the matter could be further considered in the proposed Closed Session with the Town Solicitor present.

Council then dealt with the following Resolutions:

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

THAT the Recommendation in Report FIS.09.45 be separated for individual consideration, unanimously Carried.

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

THAT Council receive Staff Report FIS.09.45 "Blue Mountain Village Association Change in Tax Classification" for information purposes, unanimously Carried.

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

AND THAT Council Table consideration at this time of a recommendation to deny the request for cancellation, reduction and refund of property tax pursuant to section 357(1)(a) of the *Municipal Act, 2001*, unanimously Carried.

## **D.2 Cultural Heritage Landscape Assessment Report, SPS.09.06**

Moved by: Cameron Kennedy                      Seconded by: John McKean

THAT Council receive the Staff Report SPS.09.06 "Cultural Heritage Landscape Assessment Report";

AND THAT Council receive the Cultural Heritage Landscape Assessment Report by Envision.

In speaking to the Recommendation, Peter noted that Renewable Energy Approval Regulations propose that any application for new generation facilities will require to submit documentation showing any cultural heritage resource considerations have been assessed and recommendations made for mitigation. Peter further noted the CHL Assessment Report would apply to any development application.

Duncan then questioned if the Report specifically addresses some of the heritage roadways in Town, Peter replying yes in terms of any development applications, Duncan noting roadwork may not be related to a development application but perhaps an Environmental Assessment would be completed and he would like Staff to give some thought to preservation policies or perhaps an addendum to the Road Needs Study or Transportation Plan.

Peter then noted the report has been give to all consultants working for the Town.

Council then voted on the Resolution, unanimously Carried.

### **D.3 Camperdown Development Charges, FIS.09.53**

Councillor Gamble then questioned if the Report should be Tabled pending Staff review of issues raised at the Public Meeting including a change in unit count, Duncan replying the Report could be received for information by Council together with a request for an additional Report related to public concerns and inquiries.

Council then dealt with the following Resolution:

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

THAT Council receive Staff Report FIS.09.53 – Camperdown Development Charges By-Law for information purposes with an additional Staff Report addressing public concerns and inquiries raised at the Public Meeting.

In speaking to the Motion, Rob this Report will address the Area-specific Development Charges, with a Public Meeting scheduled for October 14 addressing Camperdown benefitting landowner charges.

Rob then noted in 2008 a revised unit count was prepared and an error was noted and units were physically counted in 2009. Rob further noted in terms of increased costs, there have been \$800,000 in end of construction and legal costs.

Duncan then noted this would be valuable information for the additional Report.

Cam then questioned if this was an example where consultants provided irregular information, Duncan noting Council is often criticized for employee numbers but in the early days of servicing there were insufficient staff and consulting firms were utilized extensively.

Cam then noted to be out by 349 units is a significant error, Boyd Marshall noting residents had been earlier told a cost of \$3,500 and this is now said to be \$6,500.

Duncan then noted perhaps Rob could get the information on how the unit count changed, Bob adding the unknown costs in the construction contract should also be examined.

Council then concurred to hear any further questions from the floor.

Fred Barnes then noted it should be a simple task to determine existing units in a specific area.

Council then voted on the Resolution, Carried.

#### **D.4 Lupus Foundation of Ontario, Correspondence Item C.2**

Moved by:                      Seconded by:

THAT Council does hereby recognize the good work and efforts of the Lupus Foundation of Ontario in assisting those afflicted with Lupus and the month of October being regarded as "Lupus Awareness Month" to assist in the education of all citizens regarding both the illness and Foundation.

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

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

Deputy Mayor McKinlay then noted he was absent from the September 22, 2009 County Council meeting and Mayor Anderson would report.

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

None

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

Closed Session

### **F. By-laws**

#### **F.1 Temporarily Stop Up and Close Bruce Street North – Apple Harvest Festival**

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

THAT By-law No. 2009 - 68, being a By-law to temporarily stop up and close Bruce Street north from Highway 26 in the south to King Street in the north on Saturday, October 10 from 9:00 am to 6:00 pm in conjunction with the 2009 Apple Harvest Festival, be hereby passed this twenty-eighth day of September, 2009, Carried.

### **G. Consent Agenda**

#### **Accounts**

1. Accounts
2. Invoices separated for pecuniary interest (A. Gibson, Miller)

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

3. Finance and Administration Committee Report, September 22, 2009

Chair Gamble then reported on re-allocation of capital funds to allow purchase of the stand-by generator for the Thornbury Firehall and increase in Recreation fees and charges.

Council then dealt with the following Resolution:

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

THAT the Finance and Administration Committee Report of September 22, 2009 be adopted as circulated in including all the Recommendations contained therein, Carried.

#### 4. Infrastructure and Recreation Committee Report, September 22, 2009

Councillor Gamble then reviewed the Recommendation to repeal the 12<sup>th</sup> Sideroad snowmobile prohibition for a one year period on a trial basis and the Spence/Turner servicing extension.

Paul then reported on correspondence from solicitor Tom Baulke reiterating concerns of residents along the 12<sup>th</sup> Sideroad, Shawn reporting he did not believe any new concerns were brought forward.

Cam then reported the Depot Day Camp was well attended and made a profit, Duncan noting the program was similar to Grey Roots.

Council then dealt with the following Resolution:

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

THAT the Infrastructure and Recreation Committee Report of September 22, 2009 be adopted as circulated in including all the Recommendations contained therein, Carried.

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

None

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

Council October 14 (Wed), 26, November 9, 23, December 14, 2009, January 11, 25, February 8, 22, March 8, 22, 2010

**All Council meetings to be at the Library unless otherwise noted**

Finance and Administration Committee, October 20, 2009  
Infrastructure and Recreation Committee, October 13, 2009  
Planning and Building Committee, October 5, 2009

### **I. Closed Session**

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

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 litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;

AND consideration of a request in change of Tax Classification of the Plunge facility

Council moved into closed session at 9:11 p.m.  
Council rose into public session at 9:34 p.m.

Deputy Mayor McKinlay then reported Council had further discussion regarding the Tax Classification request in closed session following earlier discussion and Tabling of a decision in public session, the decision now to be considered.

Don Braden of the Blue Mountain Village Association was then back in attendance.

Council then dealt with the following Resolutions:

Moved by: Cameron Kennedy Seconded by: John McKean

THAT Council defer a decision to deny the request for cancellation, reduction and refund of property tax pursuant to section 357(1)(a) of the *Municipal Act, 2001*, Carried.

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

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 personal matters about an identifiable individual, including Town or local board employees;

AND with regard to consideration of appointments to a Joint Disaster Relief Committee.

Council moved into closed session at 9:39 p.m.  
Council rose into public session at 10:12 p.m.

**J. Confirmation By-law and Adjournment**

Councillor McKean had earlier declared a pecuniary interest with regard to Agenda Item G.2 and did not take part in discussion or voting related to the Confirmation By-law.

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

THAT By-law No. 2009 - 69, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on September 28, 2009, be hereby enacted as passed this 28th day of September, 2009, Carried.

Moved by: John McKean Seconded by: Cameron Kennedy

THAT this Council does now adjourn at 10:13 p.m. to meet again October 14, 2009, 7:00 pm, L.E. Shore Library, or at the call of the Chair, Carried.

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

.....  
Stephen Keast, Clerk