

Minutes - The Blue Mountains Planning Council Meeting



MEETING DATE: October 6, 2008 – 7:00 pm

LOCATION: L. E. Shore Memorial Library

PREPARED BY: Corrina Giles, Deputy Clerk

A. Call to Order

- Deputy Mayor McKinlay called the meeting to order with all members in attendance save Mayor Anderson, absent due to a death in her family.
- Also in attendance were Chief Administrative Officer Paul Graham, Director of Planning Peter Tollefsen, Deputy Treasurer Elizabeth Thompson, Manager of Development Planning Rob Armstrong, Planner Bryan Pearce, Director of Recreation Shawn Everitt, Manager of Purchasing Sherri Adams, Communications & Economic Development Coordinator Lisa Kidd, Director of Building and By-Law David Finbow, Director of Engineering and Public Works Reg Russwurm.
- 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 October 6, 2008 be approved as circulated, including any items added to the Agenda, Carried.
- No member declared a Pecuniary Interest with any matter as listed on the Agenda.

B. Public Meetings / Deputations – 7:00p.m.

B.1 Consent No. B12-2008 and Zoning By-law Amendment

North Part Lot 24, Concession 11, Grey Road 13 - Owner: Albert Timmer II & Janina Zaremba - Applicant: Roger Edwards

C. Motions and Staff Reports

C.1 Short Term Accommodation Licencing - #SRB.08.55

Director of Building and By-Law David Finbow then reviewed the Report, noting Staff was to report back to Council by the end of September, acknowledging the Report is a little bit late. David further noted the information has been before Council previously regarding the licencing regime, and confirmed Council has reviewed the draft licencing by-law previously but the report is attached for information. David noted the draft By-law was prepared by the law firm of Aird & Berlis.

David then noted there are questions regarding non-conforming issues and further noted that Council has the ability to regulate short term accommodation through a licencing regime. David noted that Staff is asking to proceed to a public meeting on the issue of short term

accommodation and further noted it is very important to look at addressing the interiors of short term accommodation facilities.

David then noted the funding of short term accommodation licencing would represent an annual capital and operating cost of \$135,000, confirming enforcement costs can be full cost recovery and noted the report recommends full cost recovery. David then noted with a minimum of 100 units, a licencing fee of \$1360 per annum per unit should be charged.

Councillor McGee then noted concern with Recommendation No. 3 recognizing legal non-conforming uses and referenced the recent case in Oshawa. John then noted before this Recommendation is considered, it would be best for Council to meet with its solicitor, in closed session, to discuss the ability to regulate short term accommodation units, John then suggesting the matter be brought back at a later date.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT the Recommendations contained in Staff Report SRB.08.55 with respect to Short Term Accommodation Licencing be Tabled until a later date.

In speaking to the main Motion, Councillor Martin noted passage of the Motion would limit debate on the topic at this time and Council then dealt with the following subsidiary Motion:

Moved by: Michael Martin Seconded by: John McGee

THAT the Motion to Table Staff Report SRB.08.55 stand down to allow Council to have further discussions regarding the Report, Carried.

Deputy Mayor McKinlay then spoke, noting he would like to have further discussions with the Town's solicitor to determine if there is any legal non-conforming short term accommodations. Director of Building and By-Law David Finbow then replied that the solicitor has spoken to this issue and further noted there are legal non-conforming with respect to these uses.

Councillor Martin then questioned if there are permitted uses and legal non-conforming uses and is there is a residential use that changes to a commercial use, are we allowing a non-conforming use, David replying the Recommendation is related to licencing of use and further noted uses could be regulated through legal non-conforming status.

Councillor McKean then spoke, questioning the timeframe for the Report to be back before Council if the matter is tabled this evening, David replying there is sufficient time if Council wishes to get a legal opinion, further noting the Town solicitor, Leo Longo will be in the area in November for an OMB hearing.

Duncan then questioned if the licencing would be in place for this winter, David replying that he did not believe it would be in place until the spring of 2009, noting there is work to do prior to licencing, adding a public

meeting must be held, staff must be hired which could take 8 to 10 weeks, so the minimum licencing could be put in place would be 14 to 16 weeks.

CAO Paul Graham then spoke, noting it would be helpful to Staff to deal with this matter as soon as possible to assist with the budget for 2008, 2009 and 2010, adding Staff would attempt to hire appropriate Staff in a timely fashion.

Councillor Gamble then spoke, questioning if David was confident on the number of units coming forward being 100, David replying that he has in excess of 100 by-law enforcement files on short term accommodation uses and that he assumes these owners would come forward for licencing, further noting he is unaware if these owners would come forward willingly to licence their short term accommodation unit.

Bob then questioned if the town should pursue a tiered fee system, considering those who licence voluntarily versus those who must be pursued to licence, David replying he will make a note of this to consider.

Councillor Kennedy then questioned if there are 100 to 200 units, how many Municipal Law Enforcement Officers would be required, David replying for the first 100 units and once the system is up and running, that he would be comfortable with one MLEO with support staff, but that this will be determined as the licencing progresses.

Councillor McGee then noted Recommendation No. 3 deals with licencing and questioned if the Town's position is compromised if the Report is proceeded with at this time, David replying that he did not believe our position would be jeopardized but that he would check with the solicitor.

Duncan then questioned if items such as unsafe exterior decks would be inspected, David replying yes, both interior and exterior would be inspected through property standards review.

Council then voted on the main Motion to Table, Carried.

C.2 RFP - New Town Hall Consulting Services– #SRB.08.56

Moved by: Cameron Kennedy Seconded by: John McGee

THAT Council receive Staff Report SRB.08.56 respecting New Town Hall Consulting Services for information purposes and authorize Town Staff to proceed with a "Request For Proposals – New Hall Consultant Services" with same being directly circulated to a minimum of three Design Teams.

In speaking to the Motion, Councillor Gamble then questioned of Director of Building and By-Law Enforcement David Finbow if the Town could be released from its current contract with the consultant, Ventin Group, David replying the Ventin Group has serviced the Town very well with the needs study and further noted the contract with the Ventin Group was with respect to the addition to the Town Hall. David then noted Staff is recommending that a consulting team be found, not necessarily to get out of the current contract.

Council then voted on the Resolution, Carried.

C.3 Consultant Selection – Development of a Web Portal for the Town of The Blue Mountains – #CEDC.08.17

Communications and Economic Development Coordinator Lisa Kidd then reviewed the Report and supplementary information to the Report. Lisa noted six proposals were received, of which three were opened as they met the criteria, further noting it was determined Running Tide best met the criteria.

Councillor Gamble then questioned if the contract is for a fixed cost or a variable amount, Lisa replying fixed.

Bob then questioned if Running Tide would bill each month for services, Lisa replying that the terms are 1/3 paid upfront, 1/3 paid when the project is 50% complete and 1/3 is paid on completion.

Councillor Kennedy then noted the budget impact of approximately \$2,880 for annual operations and questioned what such costs would represent, Lisa replying new initiatives would cost more.

Manager of Development Planning Rob Armstrong then noted the upfront cost is for the purchase of software, ie. Municipal Magic and the annual costs include annual costs for upgrades. Cameron then questioned if Municipal Magic is one figure and development another, Rob noting \$2,880 is for Running Tide to host our website and annual maintenance of the program, further noting major changes to our website would be charged for.

Council then dealt with the following Resolution:

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

THAT Council recommend the selection of Running Tide Inc. as the Consultant to develop the web portal for the Town of The Blue Mountains as per Request for Proposal TBM-2008-51; and

THAT Council authorize the Mayor and Clerk to execute an agreement with Running Tide Inc., once approved by the Town's Solicitor, for intranet and internet services relating to the development of a Web Portal for The Blue Mountains, in the amount of \$35,800 (\$23,867 in 2008 and \$11,934 in 2009) for full Municipal Magic installation, base installation and set-up, meetings, training, content migration, design costs, template development and flash development, Carried.

D. By-laws(s)

None

E. Reports and Minutes List – RECEIVE

E.1 Agricultural Advisory Committee – May 28, 2008

Director of Planning Peter Tollefsen noted there has been one Agricultural Advisory Committee (AGAC) meeting since the May 28, 2008 meeting.

Deputy Mayor McKinlay then acknowledged receipt of a resignation e-mail from a member of the AGAC. Peter then spoke, noting the resignation had been forwarded to Council for their information this day and noted the Committee originally sought eight members, but ten members applied so all ten were appointed at the initiation. Peter noted he will bring a Motion to Council accepting the member's resignation.

E.2 Committee of Adjustment – July 17, 2008

Received

E.3 Finance and Administration Committee Report – September 23, 2008

Councillor Gamble then reviewed the Finance and Administration Committee Report dated September 23, 2008

Regarding Recommendation No. 2, Draft Noise By-Law, SRB.08.41, Bob noted concern with the indicated noise levels and how the Town should deal with situations such as factories and noted he would like to see more information in the draft By-law.

Councillor Kennedy then spoke, questioning how the Thornbury Business Improvement Area would be involved, Director of Building and By-Law Enforcement David Finbow replying the draft By-law is complex and has challenges and public consultation would be completed through Communications and Economic and Development Coordinator Lisa Kidd and the Ministry of the Environment. David then noted some members of the BIA area accept the draft by-law and some do not, further noting Council will have some decisions to make as far as provisions in the By-law, but further noted input is also needed from the public.

Deputy Mayor McKinlay then spoke, noting he can foresee that people will believe that Council is going to shut the Town down as far as noise issues. Duncan further noted people rely on local home industries and facilities and the Town needs services and people have to earn a living. David replied that the draft By-law is more permissive than the current By-law, noting commercial loading and unloading for example is also more permissive than in the current Noise By-law.

Cameron then noted the reference to a \$100 fee for a noise exemption and questioned if this would be required each time an exemption is sought, David replying yes, noting there are real costs associated in dealing with a noise exemption request.

Duncan then questioned if the Bylaw would change Council's ability to make exemptions to the noise-by-law, David replying that the fee for an exemption to the noise by-law would likely dissuade people from seeking exemptions as costs would be included, further noting that exemptions should be minimized.

Cameron then questioned if a downtown business would be able to make noise until 11:00 p.m. without an exemption, David replying yes.

David then noted Staff are attempting to create a By-law that is discernable to the general public.

Councillor McGee then questioned how other areas such as Clarksburg or Craigleith are dealt with, David replying that businesses in those areas will likely come forward to seek information.

Bob then noted there are guidelines from the Ministry of the Environment that note measurable levels of noise at certain times of the day.

Councillor Martin then spoke, questioning the levels of noise in residential areas coming from commercial areas at 10:00 p.m., David replying he will explore this and report back.

Regarding Recommendation No. 3, Ravenna Hall Addition & Septic, SRB.08.60, Councillor Gamble then commented that this project is to provide satisfactory facilities at the Ravenna Hall, noting the front of the hall will be removed to facilitate a road widening.

Deputy Mayor McKinlay then spoke, noting he is pleased this project is proceeding, noting it is a great step forward for the community.

Regarding Recommendation No. 4, OPP Station – Award of Contract, SRB.08.59, Councillor Gamble noted he is in support of proceeding with the project, though he is not happy with the costing, \$105,000 coming from reserves and \$699,000 coming from development charges. Bob further noted revenue from development charges may be reduced in the next few years.

Regarding Recommendation No. 5, Appointment of Municipal Law Enforcement Officers, SRB.08.51, Councillor Gamble noted specific individuals at specific private properties have been appointed, David noting appointments will be rescinded if abused.

Regarding Recommendation No. 8 Building Permit Statistics, SRB.08.50, Councillor Gamble noted activity in the building department has slowed with respect to new structures in comparison to the last five years.

Regarding Recommendation No. 9, 2008/2009 Corporate Curling Team Sponsorship, CAO.08.11, Councillor Gamble noted the Committee approved this Report but noted there were some concerns whether this should be approved or not for 10 to 12 employees.

Regarding Recommendation No. 10, Monthly Financial Reports – August, 2008, FS.08.42, Councillor Gamble noted the expenses to the end of August are within the draft budget and are under control, further noting an area of concern may be that revenue lines and revenue goals will not be met regarding supplementary taxes from MPAC.

Regarding Recommendation No. 11, Purchasing of Goods and Services, FS.08.48, Councillor Gamble noted this Policy updates the current Purchasing By-law. Deputy Mayor McKinlay questioned reference to the \$10,000 purchasing ability, Manager of Purchasing Sherri Adams noting some aspects are the same at the \$10,000 level, and further noted sole sourcing is also addressed. CAO Paul Graham then spoke, clarifying the

threshold is now \$15,000, Sherri noting the CAO and Department Heads can purchase up to \$25,000.

Councillor McGee then noted sustainable issues regarding life cycle costing are addressed, Paul replying the Policy anticipates it will take time to transition into this, for example energy costs.

Councillor Kennedy then questioned if this Policy is draft or if it is the official version and questioned Policy clause 12.a) referring to Committees of Council or a Board of Management and contracts, Deputy Treasurer Elizabeth Thompson replying she will look into this and report back to Council, further noting local boards will have to obtain their own Policy.

Elizabeth then noted the Business Improvement Area could adopt the Town's Policy if they wished, further confirming she will report back to Councillor Kennedy.

Regarding Recommendation No. 12, Town Purchasing Card Program, FS.08.37, Deputy Treasurer Elizabeth Thompson noted the P-Card is like a credit card, further noting each designated Staff person would have a card for use for purchases for the Town.

Deputy Mayor McKinlay then noted the benefit of the P-Card is a different rate structure because of the quantity ordered, Elizabeth further noting the cards would have limits.

Councillor Kennedy questioned how the Town would purchase from local small businesses that do not take VISA, Councillor Gamble replying the Town would not cut those businesses off, those businesses would bill the Town as they do now for purchases. Elizabeth then noted the procedural Policy is attached to the Report.

Cameron then questioned the maximum limit for one employee, Bob replying there is a different Staff levels have different dollar levels, CAO Paul Graham noting the level is \$10,000.

Paul then noted that Staff currently have signing authorities and further noted this is another tool to make purchases. Paul then noted that it is anticipated that Staff will abide by the purchasing by-law.

Bob then noted cash advances are not permitted.

Regarding Recommendation No. 13, Investment Policy, FS.08.47, Councillor Gamble noted the investment policy was laid out under the Municipal Act and this is confirmation our Staff abides by this policy.

Regarding Recommendation No. 14, 2009 Property Assessment Update, FS.08.41, Councillor Gamble noted Manager of Revenue Ruth Prince provided the MPAC document of all assessment activity in the Town of The Blue Mountains. Bob then asked Deputy Mayor McKinlay if the Town could obtain a copy of the same document from all municipalities in Grey County, Duncan replying he will obtain copies from Grey County to provide to Council.

Regarding Recommendation No. 15, Treasurer's Statement, 2007, FS.08.43, Councillor Gamble reviewed the statement, noting the Town

must report annually to the Ministry of Municipal Affairs and Housing on development charges for the previous year.

Regarding Recommendation No. 16, Tangible Capital Assets Project Status Update, FS.08.46, Councillor Gamble noted the project is proceeding well, Deputy Treasurer Elizabeth Thompson noting they are now moving forward to evaluate all assets.

Regarding Recommendation No. 17, OMERS – 2009 Rates, Councillor Gamble noted the OMERS rates are assigned by OMERS, further noting the 2009 rates have dropped and because of this decrease in rates, the Town will save \$5000 in 2009.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: John McKean

THAT the Finance and Administration Committee Report of September 23, 2008 is hereby adopted by Council together with all the Recommendations contained therein, Carried.

Councillor Gamble then spoke with respect to the correspondence attached to the Finance and Administration Committee Report, noting the Rock N' Roll Festival Event is on the Labour Day weekend. Bob further noted the Committee is reviewing this request with Communications and Economic Development Coordinator Lisa Kidd.

F. Closed Session of Council

Moved by: John McGee 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 a proposed or pending acquisition or disposition of land by the municipality or local board;

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

AND review of Town-owned lands with regard to the Expression of Interest;

AND review, update and discuss the outstanding OMB Appeal in regards to the Interim Control By-law for Short Term Accommodation Budget.

Council moved into closed session at 8:50 p.m.

Council rose from closed to public session at 9:39 p.m

G. Next Meeting Date(s)

November 3, 2008

H. Confirmation By-law and Adjournment

Moved by: Michael Martin Seconded by: John McGee

THAT By-law No. 2008-89, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on September 03, 2008, be hereby enacted as passed this 6th day of October, 2008.

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT this Planning Council meeting does now adjourn.

.....
D.R. McKinlay, Deputy Mayor

.....
Corrina Giles, Deputy Clerk