

Minutes - The Blue Mountains Council Meeting



MEETING DATE: October 13, 2010
LOCATION: L.E. Shore Memorial Library
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 was CAO Paul Graham, Director of Engineering & Public Works Reg Russwurm, Director of Planning and Building David Finbow, Director of Recreation Shawn Everitt, Director of Special Projects Peter Tollefsen, Communications and Economic Development Coordinators Rob Potter and Lisa Kidd, Director of Finance Rob Cummings, Manager of Roads and Drainage Jim McCannell and Deputy Clerk Krista Royal
- Council then paused for a moment of Personal Prayer or Reflection.
- Approval of Agenda:
Moved by: John McKean Seconded by: Cameron Kennedy

THAT the Agenda of October 13, 2010 be approved as circulated, including an addition at Agenda Item E.3.1, Carried.
- No member declared a pecuniary interest with any matter as listed on the Agenda save Councillor McKean and Agenda Items D.4 and G.2 and his place of employment.
- Adoption of Consent Agenda
Moved by: R.J. Gamble Seconded by: Cameron Kennedy

THAT the Consent Agenda of October 13, 2010 be adopted as circulated, less any items requested for separate review and discussion, Carried.

NOTE: Councillor McKean had earlier declared a pecuniary interest with respect to Agenda Item G.2 and did not participate in related discussion or voting.
- Previous Minutes
Moved by: R.J. Gamble Seconded by: John McGee

THAT the Council minutes of September 8, 2010, be adopted as circulated, including any revisions to be made, Carried.

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

B. Deputations/Presentations

B.1 Brian Nelson, Establishment of Resident Group Re: Telfer Homes Proposal
Mayor Anderson welcomed Brian Nelson.

Brian thanked Council for hearing him and spoke regarding the purpose of the resident group is in response to the proposed Telfer Homes Development. Brian noted the concerns of the residents have been raised and noted the next meeting of the Resident Group is being held on October 21, further noting Council is welcome to attend. Brian noted the concerns of the residents have been filed with the Planning Department and noted 80 residents are represented in this Resident Group.

Brian noted area residents want to ensure the development is done well and that good planning is represented in their area.

Brian noted the Resident Group will continue to communicate with Council and the Planning Department regarding the subject lands and identified the key priorities. Brian noted the group hopes Council will recognize their efforts and notes this development may set a precedent in the area.

Councillor Kennedy spoke noting it is refreshing to hear a resident group's concerns and is involved.

Deputy Mayor McKinlay spoke referencing the Housing Study and Official Plan Amendment draft, and noted this development is one development, further noting we need a development that allows people to live and work here, with young families.

Councillor Gamble spoke noting he attended the resident meeting and commended residents on their meeting, as it was a very positive meeting.

Mayor Anderson then spoke thanking Brian for his presentation, noting it was very professional and noted it is helpful to Council.

Brian thanked Council for hearing his presentation.

C. Correspondence as previously circulated

Author	Recommendation/Action
C.1 Township of Huron-Kinloss, Re: support for TBM Resolution regarding livestock kills by predatory animals	Refer to AGAC
C.2 Town of Petrolia, Ministry of Tourism sign criteria	Receive for information
C.3 FCM, Re: construction deadline for Infrastructure stimulus projects	Receive for information
Deputy Mayor McKinlay spoke regarding Agenda Item C.3 and noted Staff should review this and advise Council if there is an issue.	
C.4 Township of Chatsworth, Re: Support for TBM Resolution regarding Water & Erosion Control Infrastructure Program Funding Cuts	Receive for information
C.5 County of Huron, Re: MicroFIT Program	Receive for information
C.6 Collingwood General & Marine Hospital Thank you	Receive for information
C.7 Canadian Cancer Society, Sail for Hope, Thank you	Receive for information
C.8 Town of Collingwood, Re: Request for Letter of Support to host 2012 Ontario	

Deputy Mayor McKinlay questioned if the licencing of short term accommodation would include a methodology to deal with this, David replying yes, we could incorporate into licensing by-law.

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

THAT with respect to Staff Report SRB.10.27 Council direct Staff to bring this matter back to Council in the future should the Municipality achieve the authority to consider the matter to licence short term accommodation units.

In speaking to the Motion, Councillor Gamble noted the municipality should stay away from this.

Councillor Martin spoke noting the Town does not have the tools to deal with this, further noting there would be a significant cost and it is not within our mandate.

Deputy Mayor spoke noting a licencing regime may clarify requirements

Councillor Kennedy then spoke noting the municipality should attempt to protect the person renting the unit.

Mayor Anderson then spoke confirming Duncan is asking for Staff to bring the matter back to a future Council.

Councillor Gamble then requested a recorded vote:

Mayor Anderson	Yay	
Councillor Gamble		Nay
Councillor Kennedy	Yay	
Councillor Martin	Yay	
Councillor McGee	Yay	
Councillor McKean	Yay	
Deputy Mayor McKinlay	Yay	

The Motion is Carried.

Mayor Anderson then spoke noting the written Motion should be divided. Deputy Mayor McKinlay spoke noting he does not want to make it difficult for those renting units, but he wants to ensure a future Council looks at this issue through licencing.

Moved by: Duncan McKinlay Seconded by: Cameron Kennedy

THAT Council receive Staff Report SRB.10.27 respecting “Real Estate of Ontario News Release – Trading in Real Estate while Unregistered”

Councillor Gamble then requested a recorded vote:

Mayor Anderson	Yay	
Councillor Gamble		Nay
Councillor Kennedy	Yay	
Councillor Martin		Nay
Councillor McGee		Nay
Councillor McKean		Nay
Deputy Mayor McKinlay	Yay	

The Motion is Lost.

**D.3 Blue Mountain Villas (“Matesa”), Zoning By-Law Amendment,
PL.10.97**

Deputy Mayor McKinlay then spoke noting by receiving the Report we are not adopting motion.

Moved by: Duncan McKinlay Seconded by: Cameron Kennedy

THAT Council receive Staff Report PL.10.97 respecting “Blue Mountain Villas (“Matesa”) – Zoning By-law Amendment”, Carried.

Councillor Martin then spoke reviewing the September 13, 2010 Motion, and noted this motion is asking if Council supports this application. Michael spoke noting he believes this development is not in accordance with the Official Plan because of density and it is not in keeping with area land uses.

Michael further noted the development does not meet surrounding land uses and reviewed area densities. Michael noted development should be permitted in the area, but not double the density within the area. Michael further noted Council should not pass a Zoning By-law Amendment that is not in accordance with the Official Plan. Michael noted Council owes it to the residents in this Community to maintain the character of area. Michael noted both sides should be heard by Council, not just the side in support of the application. Michael noted area uses are single family dwelling. Michael then reviewed the Department of Fisheries and Oceans comments and referenced changes to be made at Tomahawk regarding drainage and expressed concerns with this. Michael further noted compatibility of land uses is a concern and questioned if there is a need for more townhouses with many vacant units in The Blue Mountains now.

Michael then noted he is asking for the indulgence of Council.

Duncan then spoke noting Michael makes a compelling speech, but noted he is hooked on the opinion of our planners, that the development is compliant with the Official Plan, but noted he appreciates the concerns of adjacent owners. Duncan noted he is concerned this could set a precedent, and noted the Town would likely lose at an OMB hearing. Duncan noted he values the advice of the planners and their interpretation and believes this development complies with the Official Plan. Duncan noted he cannot support Councillor Martin’s motion.

Councillor McGee then spoke noting he feels similar to Deputy Mayor McKinlay and noted he has reviewed the material in the Official Plan and Community Improvement Plan and feels this development is in conformity with the Official Plan, acknowledging the areas are denser than other areas, noting streetscape is adequately buffered, height has been lowered. John then referenced the need for intensification and noted this density is lower than the permitted density for townhouses. John then noted if we are moving forward with intensification this conforms and noted he can not support Councillor Martin’s motion.

Councillor Gamble then spoke noting the property has a significant drainage ditch and feels it should be resolved before the application is approved, and noted Council should insist this is resolved before approvals are given.

Councillor McKean agrees with Councillors Martin and Gamble and noted he is concerned with the effects on Tomahawk and possible drainage issues.

Duncan then questioned the status of the OMB appeal. David replying that the OMB is trying to schedule a hearing, noting it will likely be in the New Year.

Mayor Anderson then spoke noting she is concerned with scheduling at the OMB. David replying the matter is before the OMB, and that the planner will try to schedule a prehearing to determine if a settlement can be achieved. David further noted the new Council will be seized of the matter. David then noted significant engineering will have to be done regarding the drainage issue and noted there is a lot of detail to work through.

Michael then in response to reference to setting a precedent, noting this OMB appeal supports his case, noting single family dwellings in the area versus townhouses. Michael noted the streetscape is not appealing, it does not belong in this area, and noted 17 units is irresponsible.

Councillor Martin then requested a recorded vote.

Moved by: Michael Martin

WHEREAS there has been filed a Notice of Appeal before the Ontario Municipal Board concerning the application: "Blue Mountain Villas (Matesa) under Planning Report PL.10.38 and PL.10.62;

AND WHEREAS there have been two Public Meetings concerning the application;

AND WHEREAS the Application fails to comply with the Official Plan in various respects, is incompatible with the form of surrounding housing and would create a traffic danger due to egress from the site;

NOW THEREFORE this Council does not support the Application.

Mayor Anderson		Nay
Councillor Gamble	Yay	
Councillor Kennedy		Nay
Councillor Martin	Yay	
Councillor McGee		Nay
Councillor McKean	Yay	
Deputy Mayor McKinlay		Nay

The Motion is Lost.

Mayor Anderson then spoke noting she has heard Council's concerns regarding the Official Plan and drainage and noted she understands the concerns from area residents.

D.4 Beaver River Bridge Rehabilitation – Noise By-Law Exemption, EPW.10.094

Councillor McKean vacated the meeting having earlier declared a pecuniary interest.

Councillor Kennedy spoke questioning if the bridge will be closed for two days, Reg replying yes. Cameron then noted there are a number of businesses that will be effected , Reg replying he has worked with businesses and noted the closure will be a Monday and Tuesday.

Cameron then questioned if there is any other way around having a full closure, Reg replying he is working with the Consultants, noting they are working with higher efficiency concrete and noted there will be a period of time when no one will be on the bridge.

Deputy Mayor McKinlay questioned if the businesses have been advised of the October 25th dates. Reg noting that Tom Gray has been out speaking with businesses and will go door to door again. Duncan noting it is important to get this information out to those most affected. Reg will communicate with business owners most affected by the closure.

Duncan then questioned if there is a communication device that will get the word out, Communications and Economic Development Coordinator Lisa Kidd spoke noting she will be happy to get the message out as a media release, email blast, and through Twitter.

Councillor Kennedy then questioned if emergency services are aware, Reg replying yes.

Councillor McGee then referenced correspondence from The Mill requesting the contractors work longer hours during the week, Monday thru Thursday, to avoid weekend work, and noted the Town should look at this solution. Reg replying he will look into this further. Ellen then spoke noting the Town should look into this to assist local businesses.

Cameron then questioned the deadline for completion, Reg replying November 1, further noting this deadline will not be met and noted a time extension is sought by the Consultant to mid-November. Reg then noted the Consultant is one week behind schedule now.

Duncan spoke noting he likes the idea of working other hours and questioned how the current workers could work longer hours, Reg replying that another crew would be brought in. Reg then noted it is critical that the bridge is sealed before winter and noted we can explore other options if that is Council's wish.

Moved by: Duncan McKinlay Seconded by: Cameron Kennedy

THAT Council approves an exemption to the Noise By-Law 2002-09 to permit construction activities to occur on the Beaver River Bridge during periods between 7:00 am and 7:00 pm on October 16th, October 23rd, October 30th, November 6th and November 13th, and

THAT Council delegate authority to the Director of Engineering and Public Works to approve an exemption to the Noise By-Law 2002-09 to permit construction activities to occur on the Beaver River Bridge during periods between 7:00 pm and 7:00 am for a period up to four (4) consecutive weekday nights as outlined in Report EPW.10.094 "Beaver River Bridge Rehabilitation – Noise By-Law Exemption", Carried.

In speaking to the Motion, Duncan questioned if the contractor could work until 1:00 p.m. on Saturday, Reg replying yes.

D.5 Delegation, PL.10.98

Moved by: Cameron Kennedy Seconded by: John McKean

THAT Council receive Staff Report PL.10.98 and authorize the Director, Planning & Building Services, to comment directly to the Niagara Escarpment Commission on Niagara Escarpment Development Permit Applications that would not be in compliance with zoning regulations were they in effect for the period of October 13, 2010 through to December 13, 2010, Carried.

D.6 Request for Proposal – Five Year Official Plan Review, PL.10.99

Moved by: John McKean

Seconded by: Michael Martin

THAT Council receive Staff Report PL.10.99 respecting “Request for Proposal – Five Year Official Plan Review” and authorize Town Staff to proceed with the release of the Request for Proposal.

Councillor Kennedy spoke questioning \$200,000 for the Official Plan review, noting there are Staff in house that can look at the Official Plan, further noting it is too much money, David replying the cost is split \$140,000 for hiring of Consultant and \$60,000 to defend the Official Plan at the OMB. David further noted it will take 12-14 months to review and noted an additional Staff planner would have to be hired to complete the task if it was to be completed in house, noting the current in house staff do not have time.

Councillor Gamble then spoke noting this request is premature at this point, noting the 6-7 documents listed for review by the Consultant should be reviewed by Staff as they are more familiar with the documents. Bob then referenced the current Official Plan and referenced recent comments made by the Chamber of Commerce, that the Official Plan is too hard to read. Bob noted the Official Plan should be more in layman’s terms. Bob noted he cannot support this at this time.

Councillor Martin then spoke noting the 5 year review is necessary and the earlier it is started the better, further noting he does not want to call in a Consultant. Michael further noted we need some tailoring to advise what we want, noting we need a credible consulting firm as there will be appeals, and noted the Town must be extremely careful.

Michael then noted he does not disagree in Councillor Kennedy, but does not question the use of a Consultant in this matter, noting we have to stand up for the Community and we have to move forward with this review.

Councillor McGee referenced the work plan and noted he agrees with Councillor Martin, noting this is critical and noted we need to define what we expect and the earlier the better. John then noted he is in favour of moving ahead.

Deputy Mayor McKinlay then spoke noting he has been counting on this, noting the 5 years is up, and the sooner this review starts, the better. Duncan noted he agrees with Councillor Martin and noted the Town needs to get some certainty.

Michael then noted the amounts are budgeted for and noted this should come back to Council with two different companies so Council can decide the appropriate Consultant to choose.

Council then voted on the Motion, Carried.

D.7 Street Names – Georgian Woodlands Phase 3, PL.10.101

Moved by: John McGee

Seconded by: John McKean

THAT Council receive Staff Report PL.10.101 respecting “Street Names – Georgian Woodlands Phase 3” and that Council approve the following street names and that same be reserved for the proposed Georgian Woodlands Phase 3 Plan of Subdivision:

Street A

Arnot Crescent

Street B

Nipissing Crescent

Street C, South of Street B

Courcheval Crescent

E. New and Unfinished Business

E.1 Grey County Council Update

EA, DMcK

Mayor Anderson spoke noting the County is currently working on budgets.

Deputy Mayor McKinlay noting there are good prospects for investment in The Blue Mountains

E.2 Notice of Motion

Council

None

E.3 Additions to Agenda

Staff

E.3.1 Royal Canadian Legion, Support for Poppy Fund

Mayor Anderson spoke noting she would like to increase the amount donated to the Poppy Fund, Councillor Gamble replying the Town does provide the Beaver Valley Community Centre, free of charge.

Councillor Martin spoke noting having our freedom is important, further noting this recognizes the soldiers, both past and present and suggests donating \$300 plus the in-kind donation of the Beaver Valley Community Centre.

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

THAT Council support The Royal Canadian Legion Poppy Fund in the amount of \$300 plus continue the in-kind donation of the rental of the Beaver Valley Community Centre, unanimously Carried.

Deputy Mayor McKinlay then spoke referencing the Ravenna Cenotaph event and questioned if someone should carry on catering the event in Ravenna as the event organizer is quite elderly. Mayor Anderson replying Lisa Kidd will do this.

Michael spoke noting this event is important to the Community at Ravenna and has to carry on.

E.4 Staff Discussion

E.4.1 Municipal Office – Christmas Closure

CAO Paul Graham spoke regarding the Christmas vacation closure between Christmas and New Years Day, noting he would like to do this again, noting he is not aware of any concerns in the Community with this closure. Paul noted Staff use vacation or lieu time to take the time off.

Mayor Anderson then concurred that Council supports the Municipal Office closure for the week between Christmas and New Years, with the first day back to work being Tuesday, January 4th.

E.4 Solar Voltaic

Deputy Mayor McKinlay then questioned if Councillor Martin knows why GSCA did not participate in a solar project. Michael replying the GSCA looked at proposals, but noted of the 3 suppliers that provided a quote, just one supplier came to look at site.

Michael noted the sites would have to be fenced, which would be an additional cost, and noted the units lose 5-7% efficiency annually.

Michael further noted maintenance is required, including clear snow from the units. Michael then noted GSCA felt that it was not in the taxpayers best interests to proceed.

Councillor Kennedy questioned the status of the Town's solar project. CAO Paul Graham replying the contract is signed, and the consultant has started, further noting the complete report will be provided to Council including loss of efficiency.

E.4.2 Black Angus Fine Meats & Game Inc., Request for support

Communications and Economic Development Coordinator Lisa Kidd reviewed the history of the request for a letter of support. Lisa noted the Agricultural Advisory Committee ("AGAC") has met and are supportive of a letter of support from Council.

Councillor Martin spoke noting it is important to recognize the AGAC received this request and the proper procedure was followed.

Moved by: Duncan McKinlay Seconded by: Michael Martin

THAT Council supports Black Angus Fine Meats & Game Inc. in their application to Ontario Ministry of Agriculture, Food and Rural Affairs ("OMAFRA") for funding support to improve their range of market and business development initiatives under the Rural Economic Development Funding Support Program, Carried.

F. By-laws

F.1 Tree Preservation By-Law

Councillor McGee spoke questioning if this encourages developers to strip trees before development, Director of Planning and Building David Finbow replying developers could clear out, noting there are no significant wood lots, even with this by-law in place. David further noted this will allow us to educate and do restoration.

Councillor Martin then spoke noting we can control it, noting he recommends controlling tree cutting on private property, further noting it is a worthwhile endeavour.

Moved by: Cameron Kennedy Seconded by: Duncan McKinlay

THAT By-law No. 2010 - 68, being a By-law to prohibit and regulate the destruction or injuring of certain trees in The Town of The Blue Mountains, be hereby passed this thirteenth day of October, 2010, Carried.

F.2 Rambo Properties, Zoning By-Law Amendment

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

THAT By-law No. 2010 - 69, being a By-law to amend Zoning By-Law 10-77 which may be cited as "The Zoning By-Law of the Town of Thornbury" regarding the lands lying and being in the Town of The Blue Mountains, comprised of Part Lot 28, Arthur W/S, be hereby passed this thirteenth day of October, 2010, Carried.

F.3 Building Inspector Appointment By-Law

Moved by: John McKean Seconded by: Cameron Kennedy

I. Closed Session

Moved by: Cameron Kennedy 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 litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;

AND with regard to Short Term Accommodation;

Council moved into closed session at 9:17 pm.
Council moved into public session at 9:42 pm.

J. Confirmation By-law and Adjournment

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

THAT By-law No. 2010 -72 , being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on October 13, 2010, be hereby enacted as passed this thirteenth day of October, 2010.

CAO Paul Graham spoke noting Staff have enjoyed working with this Council and noted he wishes all of Council the best in the upcoming election.

Mayor Anderson then spoke noting she has enjoyed working with all of Council this term as well.

Moved by: John McKean Seconded by: Cameron Kennedy

THAT this Council does now adjourn at 9:46 p.m. to meet again November 8, 2010, 7:00 pm, L.E. Shore Library, or at the call of the Chair.

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Ellen Anderson, Mayor

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Corrina Giles, Town Clerk