

Minutes The Blue Mountains Council Meeting



MEETING DATE: November 19, 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, Communications & Economic Development Coordinator Lisa Kidd, Director of Finance & IT Services Robert Cummings, Manager of Water & Wastewater Services John Caswell, Manager of Revenue Ruth Prince

- Approval of Agenda

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

THAT the Agenda of November 19, 2012 be approved as circulated, including any items added to the Agenda, Carried.

B. Closed Session

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

THAT, with regard to subsection 239 of the *Municipal Act, 2001*, this Council does 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 personnel matters, Carried.

Council moved into closed session at 6:01 pm.
Council moved into public session at 6:59 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 Item G.2 and his place of employment.
- Adoption of Consent Agenda

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

THAT the Consent Agenda of November 19, 2012 be adopted as circulated, less any items requested for separate review and discussion, being Agenda item G.3 Planning and Building Committee Report dated November 6, 2012, G.4 Finance and Administration Committee Report dated November 13, 2012 and G.5 Infrastructure and Recreation Committee Report dated November 13, 2012, Carried.

Councillor McKean did not vote having earlier declared a pecuniary interest.

- Previous Minutes

Moved by: R.J. Gamble

Seconded by: John McKean

THAT the Council minutes of October 29, 2012, be adopted as circulated, including any revisions to be made, Carried.

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

D. Deputations

D.1 Lindsay Ayers, Chair, Sustainability Committee

Re: Update on Sustainability Committee

Lindsay spoke recognizing the Sustainability Committee members present, noting the Committee has been together for 16 months now and felt that it is time to update Council on their efforts to date.

Lindsay then spoke reviewing the background of sustainability, and noted The Blue Mountains Sustainable Path was developed two years ago with the collaborative efforts of over 100 community partners from 2008 – 2010 and noted it integrates the three pillars of sustainability – Environment and Ecological Integrity, Community Vibrancy & Economic Prosperity.

Lindsay then spoke regarding the vision and the benefits of the Sustainable Path and noted that the Town and FCM jointly funded the creation of the Plan.

Lindsay noted that the primary role of the Sustainability Committee is to serve as community ambassadors to implement the Integrated Community Sustainability Plan.

Lindsay then noted that the Committee was created from scratch, and since its inception has developed a terms of reference and workplan, conducted a community partner survey, had extensive conversations with over 20 community partners, participated in the Green Fair, participated in the Economic Development Workshop, liaised with other Canadian municipalities undergoing sustainability implementation, and provided formal comment on the Grey County Transportation Master Plan.

Lindsay referenced the support of the Town and Council and noted she enjoys being a part of the Committee. Lindsay noted Councillor Gamble and Councillor Martin are Council representatives and that Adam McMullin provides effective staff support and time. Lindsay noted that CAO Troy Speck is an asset to the Committee and that Manager of Solid Waste and Environmental Initiatives Jeff Fletcher often attends the meetings as well. Lindsay noted that the Committee appreciates the use of meeting space at the Town Hall and the small operating budget from the Town through Engineering and Public Works that has enabled the Committee to move forward.

Lindsay noted 2012 has been a busy year for the Committee and that the Committee is actively setting up measures to measure the Committee's progress as it moves forward. Lindsay noted the Committee's website is under development, confirming the Committee's website is independent of the Town and reiterated that this is a community plan. Lindsay then noted the Committee would like to engage more community partners to have recognition in the future, further noting that the bulk of the work is administrative, and noted the Committee is looking forward to implementation of the Plan in the future.

Lindsay then thanked Council for hearing her deputation.

Councillor Gamble then spoke thanking the Committee in advancing the Sustainability Plan.

Deputy Mayor McKinlay then spoke thanking the Committee, further noting that Council needs to remind themselves that Council has adopted the Plan and that the community is aware of the long term strategies in the Sustainable Path.

Councillor Martin then spoke reiterating Councillor Gamble's comments that the Plan is not driven by the Town, but by its partners.

**D.2 Russell Higgins, Principal, MacPherson Builders
Ron Williamson, PhD, Principal, Archaeological Services Inc.
Glenn Wellings, Principal, Wellings Planning Consultants Inc.
Re: Home Farm / Plater-Martin Site**

Russell Higgins spoke noting MacPherson Builders are residential builders and are representing the Weider family. Russell noted the subject property is a 137 acre parcel ("Home Farm") owned by the Weider family, and further noted that MacPherson Builders is the developer of the "Orchard" development across the street from the subject property.

Russell noted the Home Farm is the home of the Plater-Martin archaeological site, being one of the most significant archaeological sites in private ownership. Russell noted MacPherson would like to address Council on the development respecting this site, further noting that the developer is proposing to deed the Plater-Martin site to the Town, including all ravine lands around the site and the table lands on the other side of the Plater-Martin site. Russell noted that the Weider family would like to convey the Plater site into public lands and noted there are 37 acres of table lands, 30 acres of ravine lands and 8 acres in stormwater management ponds and a recreation facility for residential areas, and in return MacPherson are asking that the Town convey the 10 acres currently owned by the Town in this area to Weider family.

Ron Williamson then spoke noting the Plater-Martin and Plater-Fleming sites were recognized as significant archaeological areas in the 1970s. Ron noted the Weider family have protected the site and the proposed land exchange provides for its continued protection. Ron noted that interaction with First Nations have indicated that sites of this nature need to be protected and placed in public hands and need to be interpreted properly. Ron noted it is hoped that Council will approve the proposed land exchange so that consultation with First Nations will be include protection of the site.

Russell then spoke noting this proposal is for Council consideration.

Mayor Anderson then spoke noting she appreciates the input and deputation this evening.

Deputy Mayor McKinlay then spoke questioning if it is proposed that the land exchange would take place and following the finalization of that exchange, that the planning application would come forward from the applicant, Russell replying that the land exchange would take place when the plan is registered. Russell then noted MacPherson Builders have reached out to First Nations.

Councillor Martin then spoke regarding the proposed land exchange and noted an official plan amendment and zoning by-law amendment would be required, Russell replying that the developer anticipates seeking an official plan amendment and zoning by-law amendment and confirmed this would be undertaken during the planning process.

Russell confirmed that an open dialogue will take place and will be in accordance with the Planning Act. Director of Planning and Building David Finbow then spoke noting that currently the Home Farm is designated RR-50 and is subject to exception 50 and hazard, further noting that the Town's 10 acre parcel is designated Institutional under the Official Plan.

Glenn Wellings then spoke noting the developers are not trying to circumvent processes, but would like to put a comprehensive Planning Application in place that includes Town owned lands, and would like to know if the Town is in agreement as the planning application would include the name of the Town. Mayor Anderson spoke in response noting it is important to preserve the Plater-Martin sites. Glenn then noted the proposed land exchange is a win-win situation for both the Weider family and the Town.

Councillor Ardiel then questioned if Mr. Williamson has worked with other municipalities on significant sites, Ron replying yes, further noting that preservation of significant archaeological sites is the goal of most municipalities and confirmed there are protocols on First Nations consultation.

Deputy Mayor McKinlay then spoke noting that this site should be preserved and that the developer and the Town need to move through the processes in accordance with all protocols and legislation.

David then spoke noting it is appropriate that he will bring a staff report forward that identifies options for Council consideration.

Michael spoke noting he is pleased that the proponent is looking at an open and public process in this development.

Councillor Gamble then spoke questioning if the application moves forward, including the proposed land exchange, if access to the site will be from the second line or through the development, Russell replying that the public access will be via municipal road.

Mayor Anderson then thanked Russell, Ron and Glenn for appearing as a deputation.

**D.3 John Corrigan, Napier-Victoria Residents Group
Re: Councillor Martin's Notice of Motion Re: Official Plan Amendment
(Agenda Item 1.2)**

John Corrigan spoke noting he is speaking on behalf of the Napier-Victoria Resident's Group in support of Councillor Martin's Notice of Motion for an Official Plan Amendment. John noted there are seven areas of concern related to Town planning, including lack of planning controls on vacant land, the delay in passing a revised Official Plan, a signal to the OMB hearing for the Telfer Application, revised planning controls on lands adjacent to the Telfer property prior to their development, the need for balanced and rational road planning, the need for infrastructure planning prior to large development projects, and the need for criteria to identify the character of Thornbury.

John then noted the public and business communities have actively expressed these concerns to the Town through The Blue Mountains Sustainable Path, the Community Improvement Plan, and the Planning, Urban Design and Sustainability Strategy.

John noted in the upcoming months, there will be two additional public meetings to review the draft of the revised Official Plan and confirmed that the concerns of the Napier-Victoria Residents Group will be brought forward.

John encouraged Council to approve an Official Plan Amendment until Council has an opportunity to approve the revised Official Plan.

Deputy Mayor McKinlay then spoke questioning if the Residents Group is asking that the official plan review be set aside to move this official plan amendment forward, John replying yes, unless it is anticipated that the Official Plan review is approved by Council and the County in the near future.

Mayor Anderson thanked Mr. Corrigan for his deputation.

Council then concurred to move Agenda item I.2 forward on the Agenda as a number of interested residents were present.

I.2 Notice of Motion

Notice of Motion given by Councillor Martin at the October 29, 2012 Council Meeting:

Moved by: Michael Martin Seconded by: Joe Halos

That the Planning Department provide a report to Council to amend the Official Plan ("OP") for the purpose of providing detailed criteria for residential development or redevelopment proposals pertaining to lands designated "Deferred Development" "DD" or "Residential" "RES" within the "Thornbury Urban Community" where such proposals exceeds 1.5 hectares.

Such Criteria to include, but not be limited to the following:

1. Land division by Plan of Subdivision;
2. Roads to be based upon parallel and perpendicular configuration at full urban standard, 20 metre width, with curb, gutter and sidewalks;
3. Snow storage areas
4. Built form to be compatible with surrounding neighbourhood as to height, and density.

Surrounding neighbourhood means all areas within 800 meters of any portion of proposed development. In event of different densities within the surrounding neighbourhood area then lowest residential density shall be the measure for purpose of compatibility.

In speaking to the Motion, Councillor Martin noted he brought this Notice of Motion forward because of the public's concern with the Official Plan and a current development application. Michael noted the Town has areas identified as "deferred development" and when applications for development are submitted, the Town is unable to defend itself against development as no criteria is identified for deferred development. Michael confirmed this relates to the Thornbury Urban Community. Michael then noted that compatibility to the area is undefined, density allocation is concerning and noted the community is not interested in high densities.

Michael noted the Town needs to move forward with the Official Plan Amendment at this time as the Official Plan review is behind schedule and noted that newcomers to Thornbury want a village area, and a low density community. Michael noted he does not believe that all areas need to be developed at the same time and that there are many empty developments currently, and referenced Lora Bay, Georgian Peaks and Windfall developments. Michael noted Council owes this to the ratepayers to provide assurances that Council will meet the community's requirements and needs.

Michael spoke regarding the timing of an official plan amendment and noted it could be passed in nine months through the Town and the County, and noted that the official plan review is still to be vetted and that it may take two to three years to complete, further noting the community is looking to have an official plan amendment in place at this time.

Deputy Mayor McKinlay spoke noting he recognizes the interests of the community and noted he would like the official plan review to deliver what is being sought by Councillor Martin.

Duncan then questioned the estimated timing of completion of the official plan review, Director of Planning and Building David Finbow spoke noting Council are aware that the staff member responsible for the official plan review has left the Town and that he is now moving forward with the official plan review. David confirmed that he has met with the consultant and asked that the project be moved forward to completion one year from today, subject to any other public consultation as directed by Council. David then confirmed that the project is nine months behind schedule, further noting that Council need to direct staff as to what the priorities are.

Duncan then questioned the estimated costs of the consultant at this time, David replying he does not have that information at this time.

Duncan then questioned how the motion complies with the Provincial Policy Statement, David replying he cannot comment on the motion, further noting that any amendment must be consistent with the Provincial Policy Statement and must conform with the County's Official Plan and good planning.

Duncan then noted the motion includes an area that is currently before the Ontario Municipal Board and questioned if the Town requires legal advice as to whether this motion will compromise the process if the motion is passed, David replying yes.

David noted that the working draft of the official plan has been circulated solely to the Official Plan Steering Committee and that there has been some apparent omissions, and through the public consultation the Town needs to protect and preserve its communities.

Councillor Gamble then spoke noting in reviewing the history of the Town of Thornbury over the last 30 years, that a majority of the development has included condominiums and questioned if the motion is attempting to eliminate the development of future condominium plans, Michael replying no, just to develop criteria for deferred development areas.

Michael then spoke regarding conformity to the Provincial Policy Statement and noted various amendments and comments from the Deputy Minister noting the amendments are intended to be read as an entire document, further noting that many rules have changed.

Councillor Ardiel then spoke questioning the timing for completion of the official plan review, David replying there are two timelines noting the Town's current official plan was adopted by Council in 2002, approved by Grey County in 2004 and approved by the Ministry of Municipal Affairs and Housing in 2006. David then noted the Town commenced review of the current official plan in 2011 and that the Town is in the same position as the Province in their Provincial Policy Statement review. David noted once Council adopts the official plan, that the County will approve the official plan within one year.

Councillor Halos then spoke noting he does not necessarily agree with the motion and all it entails, further noting that the Town should concentrate its resources on following through with the official plan review and that veering off in another direction is not a good idea at this time. Joe then noted Council should continue the official plan review.

Duncan then spoke regarding the official plan review, and questioned if the consultant addressed Official Plan Amendment #80, David spoke in response noting Official Plan Amendment #80 was adopted by the County some time ago and was brought into the working draft of the official plan.

Michael then spoke noting the 5 year plan review can continue, but noted the final document will not likely be reviewed by this Council, further noting that Council needs to act now on an official plan amendment as there may be other developers come forward. Michael noted Council represents the community members and Council needs to identify criteria and protection for the community. Michael noted there is no definition of compatibility and that this matter is urgent and it is important that Council move ahead with an official plan amendment now.

Duncan then spoke in response to Councillor Martin, noting he makes a good point and that Council are responsible to all ratepayers, and confirmed that he does not disagree with these particular lands. Duncan noted he cannot support setting the official plan review aside and cannot support proceeding with an official plan amendment at this time.

Duncan then questioned if Council shared Councillor Martin's concerns, would an interim control by-law be applicable, David replying that an interim control by-law places an interim prohibition on development, further noting it requires much work and that a study must be completed. David noted an interim control by-law would not preclude anyone from coming forward with a development application, and that an interim control by-law does not add any extra power or control, further noting that other tools are available. David then noted there are other lands in Thornbury consisting of more than 1.5 acres and noting staff are seeking direction from Council.

Duncan then spoke noting it is important to understand the Official Plan Amendment #80, David noting he will have discussions with the County to determine if the official plan review is in conformity with OPA #80.

Councillor McKean then spoke noting the official plan review should be fast-tracked to have it completed as soon as possible.

Michael then spoke suggesting Council direct staff to provide a report regarding an official plan amendment, noting it is important for Council to pass an official plan amendment on compatibility to the community. Duncan spoke in response to Duncan noting he has concern with not allowing higher densities as it is not accommodating to lower income families and is not affordable to young families seeking a reasonably priced place to live.

Councillor Martin then called for a recorded vote.

Councillor Halos then spoke noting Council could be taking the wrong approach if this motion passes.

Councillor Ardiel	Yay
Councillor Gamble	Nay
Councillor Halos	Yay
Councillor Martin	Yay
Councillor McKean	Nay

- E.3 Lore & Gerry Weinberg
Re: Request Council Repeal
By-Law 2012-66, Facilitating the
Control of The Feral Cat Population For Council Direction

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

That Council receive correspondence from the Lore and Gerry Weinberg for information, Carried.

- E.4 Dr. Kellie Leitch
Re: Request for Support of
National Health & Fitness Day Referred to Recreation

- E.5 Canada Post
Re: Implementation of one-time
Fee to Developers to Install and
Activate Community Mail
Boxes Received for Information

- E.6 Lee & Bernie Caplan Received for information
Re: Rezoning at 253 Cameron St.,
(Agenda Item H.4)

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

THAT this Council does hereby receive the Correspondence of November 19, 2012 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, Carried.

F. Motions and Staff Reports

F.1 Council Committee Appointments, A.12.07

Moved by: D.R. McKinlay Seconded by: Joe Halos

THAT Council receive Staff Report A.12.07 "Council Committee Appointments" for information purposes.

In speaking to the Motion, Councillor Gamble spoke noting he is of the opinion that committees should be in Committee of the Whole format, not the current system of designated committee members. Deputy Mayor McKinlay spoke noting the Town Clerk should have discussions with Council in February, 2013 to receive feedback on the current Council / Committee Pilot Project and then report back to Council.

Council then voted on the Motion, Carried.

G. Consent Agenda

Accounts

- G.1 Accounts
G.2 Invoices separated for pecuniary interest (Miller Waste Systems)

Reports List (Adopt)

G.3 Planning and Building Committee Report, November 6, 2012

C.2 Application for Temporary Use Zoning By-law Amendment - Brenda Medjuck – PL.12.131

Councillor Martin then pulled item C.2 as contained in the Agenda item G.3 Planning and Building Committee report being “Application for Temporary Use Zoning By-Law Amendment - Brenda Medjuck – PL.12.131”. Michael noted this application refers to a “Garden Suite” and noted he is concerned that the zoning does not permit this type of use. Michael then expressed concern with the permitted use for a ten year period and noted neighbours in the area are concerned with this proposed use. Michael then questioned why Council needs to support this application.

Councillor McKean then spoke noting he has concern with the application as well, further noting the alterations were completed without a building permit, so the necessary inspections were not completed at specific stages of the renovation. John questioned if the Town could be held liable as the Town did not perform these inspections. John then noted the Garden Suite permits two residences on one lot. John noted that allowing this use sets a precedent that residents can build without applying for a building permit.

Councillor Ardiel then spoke noting she attended the Planning and Building Committee meeting when this matter was discussed and noted she was not in favour of this at that time. Gail noted she supports those that require assistance from family, but noted concern as the applicant did not apply for a building permit and go through the proper channels to construct the Garden Suite. Gail noted she too has a concern with the defined ten year period.

Deputy Mayor McKinlay spoke noting the reasons why this application was approved at the Planning and Building Committee meeting and noted the Official Plan provides direction that Garden Suites can be built in specific areas if the zoning by-law permits. Duncan noted the matter of the work being done without a building permit should be addressed by the Building Department, further noting By-Law Enforcement can address the Garden Suite if it is not appropriately used.

Councillor Gamble then spoke noting he supported the application because provincial regulations allow Garden Suites without local approval, further noting that a security deposit should be requested for the purposes of eliminating the Garden Suite use, if necessary.

Director of Planning and Building David Finbow spoke noting the matter was brought forward because of complaints made through By-law Enforcement. David then noted that provisions in the Planning Act allow Garden Suites with a zoning by-law amendment, further noting that security provisions allow agreements to be entered into identifying the amount of the deposit and the individual’s name that is to be living in the unit. David then noted that 20 years is the maximum period permitted for use as a Garden Suite, further noting Council could implement a period less than ten years.

Councillor Martin then spoke noting once this use is allowed, it sets a bad precedent.

Councillor Halos then spoke questioning if the main residence is a permanent residence, David replying that he is unsure of the use.

Duncan then spoke noting permitting a Garden Suite is a tool available to the municipality that is uncommonly used, but may be used from time to time. Duncan noted if the municipality has enforcement provisions in place, that Council should take the risk, further noting By-law and the Building Code can ensure enforcement.

Moved by: D.R. McKinlay

Seconded by: John McKean

THAT Council receive Planning Staff Report PL.12.133, "Ontario Municipal Board Update: Draft Plan of Subdivision and Zoning By-law Amendment, Blue Mountain Villas / Matesa, Town Plot Lots 37, 38, 39 and Part Lot 36 King Street E/S, Town of The Blue Mountains"; and,

THAT Council authorize the Mayor and Clerk to enter into Minutes of Settlement between the Town, County of Grey and Applicant substantially in accordance with the Minutes of Settlement attached to this Report

In speaking to the Motion, Deputy Mayor McKinlay spoke noting he agrees with Councillor Martin that this is an imperfect system, but noted the terms included in the minutes of settlement are good and that he does not believe it is in the best interests of the ratepayers to proceed to the OMB to oppose this development.

Michael then noted the issue of drainage has not been dealt with on municipal property, further noting this sets a precedent, and expressed concern on making a decision on the basis of cost.

Director of Planning and Building David Finbow then spoke noting one specific concern was the stormwater management condition, and noted condition 8 addresses drainage. David then noted the Director of Engineering and Public Works and the Town's solicitor have reviewed this with Department of Fisheries and Oceans, and have noted that the draft does not anticipate offsite works other than Department of Fisheries and Oceans works.

Council then voted on the Motion, Carried.

C.9 Provincial Policy Statement Review - Draft Policies – PL.12.138

Councillor Martin then spoke regarding Agenda item C.9 as contained in the Planning and Building Committee Report, noting that Council and Planning Officials need to consider what is mandatory and what is not, further noting there is no need to comment if it is not mandatory. Michael noted he is of the opinion that protocol was already in place. Michael noted the Provincial Policy Statement is quite irrelevant to communities under 20,000 as was referenced in a recent workshop he attended.

Deputy Mayor McKinlay then spoke noting the Province and the Aboriginal Communities develop protocol so that all parties know the rules of engagement. Duncan noted the process seems to be taking time and that he does not disagree with this motion.

Moved by: R.J. Gamble

Seconded by: Joe Halos

THAT Council receive Staff Report PL.12.138 respecting Provincial Policy Statement Review – Draft Policies and that Council request that the Province, in consultation with Aboriginal Communities, develop a "Protocol for Consultation with Aboriginal Peoples on *Planning Act* matters in the Province of Ontario", Carried.

Moved by: D.R. McKinlay

Seconded by: Gail Ardiel

THAT the Planning and Building Committee Report dated November 6, 2012 be adopted as circulated, less any items requested for separate review and discussion, being items C.2, C.4 and C.9, Carried.

G.4 Finance and Administration Committee Report, November 13, 2012

C.2 Wi-Fi at Town Hall Information Report, FIT.12.47

Councillor Martin then spoke regarding Agenda Item C.2 as contained in the Finance and Administration Committee Report and questioned what the Committee recommended, Councillor Gamble spoke in response noting the Committee left the proposal with staff to come forward with a proposal to initiate Wi-Fi in the Council Chamber and Town Hall Meeting Rooms to eliminate wires and trip hazards, further noting the cost is estimated at \$1500.

Mayor Anderson then spoke noting she agrees with Councillor Gamble, but believes staff are looking for direction. Director of Finance and Administration Robert Cummings then spoke noting Councillor Gamble is correct, that staff report did not make a recommendation, and that staff are seeking Council direction.

Councillor Ardiel then spoke noting staff require clear direction.

Moved by: Gail Ardiel Seconded by: D.R. McKinlay

THAT Council receive Staff Report FIT.12.47 "Wi-Fi at Town Hall Information Report", and direct Staff to install Wi-Fi in the Council Chamber and Committee Meeting Rooms.

In speaking to the Motion, Councillor Halos noted this is the most inexpensive fix and noted that Health Canada does not have a concern with Wi-Fi, further noting this is a modern tool.

Councillor Martin then spoke noting he agrees with the motion

Council then voted on the Motion, Carried.

Moved by: Gail Ardiel Seconded by: John McKean

THAT the Finance and Administration Committee Report dated November 13, 2012 be adopted as circulated, less any items requested for separate review and discussion, being items C.2, Carried.

G.5 Infrastructure and Recreation Committee Report, November 13, 2012

C.1 Consideration of the Highway 26 Noise Attenuation Requirement, EPW.12.068

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

THAT Council receive Staff Report EPW.12.068, "Consideration of the Proposed Highway 26 Noise Attenuation Requirement",

AND THAT Council, having determined that the non-construction of a noise attenuation barrier is consistent with the PPS 2005, hereby agrees to the non-construction of the noise attenuation barrier provided:

1. the prospective occupants of the new land use be notified by means of a warning clause to be included in the Agreements of Purchase and Sale and the Development Agreements which shall be registered on title of the property in a form acceptable to the Director of Engineering and Public Works and the Town's solicitor, and

2. a lump sum amount and terms acceptable to the Directors of Engineering and Public Works and Finance and IT Services and the Town's solicitor equal to the cost of the proposed noise wall at assumption of the public works plus 10% contingency allowance be held for 5 years post assumption after which the Developer may apply for the return of the security if Council intends to not install the noise wall.

AND THAT Council direct Staff to incorporate appropriate policies and/or wording in the Town's Official Plan, Engineering Standards and other relevant documents that noise mitigation efforts associated with planning of noise sensitive land uses adjacent to a transportation corridor be accomplished firstly by way of appropriate separation between the transportation corridor and the sensitive land use and secondly by means other than constructed acoustical barriers (i.e. noise walls) that will have a height in excess of 1.5 metres.

Councillor Martin then noted he pulled Agenda item C.1 "EPW.12.068 Consideration of the Highway 26 Noise Attenuation Requirement" as contained in the Infrastructure and Recreation Committee Report. Michael questioned if this is a non-construction issue, further noting he is unsure where Council is going with this, and questioned why this was not handled in the subdivision agreement. Michael noted he is not in support of the motion.

Director of Engineering and Public Works Reg Russwurm spoke noting through the subdivision agreement process, noise attenuation by barrier is permitted. Reg noted that noise barriers come to light when engineering drawings are submitted. Reg noted that he has been in discussions with John Metras, Troy Speck and David Finbow and have received comments from the developers.

Deputy Mayor McKinlay spoke noting he feels this is a good idea, further noting this is a resort recreational area, further noting that many residents have beautiful landscaping for all to enjoy, and feels this is a good solution. Duncan noted that Council could order that the noise attenuation walls be erected in five years, if that is Council's direction.

Councillor McKean then spoke noting he has taken increased notice of noise attenuation walls recently and noted that landscaping and brush can hide the walls, further noting if Council is considering erecting noise attenuation walls, that proper landscaping should be considered at the same time.

Councillor Gamble then spoke noting that this requirement should be included in the Development Agreement and registered on title, Reg spoke in response noting that a Site Plan amendment will be created and registered on title.

Councillor Martin then spoke noting he agrees with Councillor McKean, but noted he does not support the erection of noise attenuation walls along Highway #26. Michael noted this matter is a Ministry of Transportation matter, that could become a legal matter in the future, further noting he does not support the motion.

Reg then spoke noting planning does not preclude noise attenuation walls, further noting that the Ministry of Transportation does not control noise attenuation walls, it is up to the municipality and the Ministry of the Environment as noise attenuation walls deal with noise pollution. Reg noted that the walls would be screened with landscaping, and noted that vandalism is a concern in some areas. Reg confirmed that gates would not be allowed in the walls, and that the life of the walls is approximately 20 – 25 years and that would be a cost to the resident or to the municipality. Reg noted the current plan is to erect the wall on private land, but cautioned that the municipality could be liable in the future for replacement of the walls.

H.2 By-law to Authorize Borrowing upon Amortizing Debentures

Moved by: D.R. McKinlay Seconded by: Gail Ardiel

THAT By-law No. 2012 - 71 being a By-law to authorize the borrowing upon amortizing debentures in the principal amount of \$614,000 toward the cost of the police station be hereby passed this 19th day of November, 2012, Carried.

H.3 Georgian Bay Villas– Removal of Holding Symbol

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

THAT By-law No. 2012 - 72 being a By-law to remove the holding symbol from a portion of the lands lying and being in the Town of The Blue Mountains comprised of Block 42, 16M-6, be hereby passed this 19th day of November, 2012, Carried.

H.4 Zoning By-Law Amendment, Lot 5, Plan 389, (Medjuck)

Agenda Item H.4 was pulled from the Agenda having not been supported by Council at Agenda Item G.3 Planning and Building Committee Report, November 6, 2012, being item C.2 Application for Temporary Use Zoning By-law Amendment - Brenda Medjuck – PL.12.131.

H.5 By-Law to Confirm the Street Name, McAuley Street North and McAuley Street South

Moved by: D.R. McKinlay Seconded by: Gail Ardiel

THAT By-law No. 2012 - 73 being a By-law to confirm and/or change the street name spelling of a local street in Thornbury, being McAuley Street North and McAuley Street South, be hereby passed this 19th day of November, 2012, Carried.

I. New and Unfinished Business

I.1 Grey County Council Update

EA, DMcK

Deputy Mayor McKinlay spoke noting County Council will be dealing with its Budget in the next few weeks. Duncan then noted he will be putting his name forward for a second term as Warden of Grey County.

I.2 Notice of Motion

Moved forward in Agenda.

I.3 Additions to Agenda

None

I.4 Staff Discussion

Councillor Ardiel spoke noting it is important that Council members report back to Council on the discussions and items of interest at Board and Agency meetings.

Mayor Anderson spoke noting the Thornbury Business Improvement Association met this evening and have cancelled the visioning sessions scheduled for November 21 and 22 pending the appointment of a new Thornbury BIA Board of Directors.

J. Notice of Meeting Dates

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

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

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

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

K. Confirmation By-law and Adjournment

Moved by: D.R. McKinlay Seconded by: Gail Ardiel

THAT By-law No. 2012 - 74, being a By-law to confirm proceedings of the Council of The Corporation of the Town of The Blue Mountains on November 19, 2012, be hereby enacted as passed this 19th day of November, 2012, Carried.

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

THAT this Council does now adjourn at 10:19 p.m. to meet again December 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