

Minutes - The Blue Mountains Council Meeting



MEETING DATE: November 24, 2008

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Corrina Giles, Deputy Clerk

A. Call to Order

- Mayor Anderson called the meeting to order with all members in attendance
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Engineering and Public Works Reg Russwurm, Director of Planning Peter Tollefsen, Director of Finance Rob Cummings, Manager of Water and Wastewater Services John Caswell, Director of Building and By-Law Enforcement David Finbow, Chief Librarian Carol Cooley, Planner Shawn Postma, Manager of Revenue Ruth Prince, Senior Policy Planner Cindy Welsh and Manager of Human Resources Tracey McKenna

- 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 November 24, 2008 be approved as circulated, including any items added to the Agenda, Carried.

Mayor Anderson then noted there would be a closed session added to the Agenda at the end of the meeting for an update on Town's retirement benefit program.

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Councillor Kennedy with respect to Agenda Item G.2 and a cheque payable to his company

- Adoption of Consent Agenda

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

THAT the Consent Agenda of November 24, 2008 be adopted as circulated, save and except Agenda Item G.3 Engineering & Public Works Committee Report dated November 12, 2008 and Agenda Item G.4, Finance and Administration Committee Report dated November 18, 2008, requested for separate review and discussion, Carried.

- Previous Minutes

Moved by: John McGee Seconded by: John McKean

THAT the Council minutes of November 10, 2008 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 7:05 pm – PUBLIC MEETING – Fees and Charges

Mayor Anderson called the Public Meeting to order and noted notice is hereby given in compliance with the Town Policy, that a Public Meeting will be held by Council on Monday November 24, 2008 at 7:05 p.m. to receive and consider comments provided by members of the public in writing or in person at the Public Meeting regarding the proposed By-law to amend By-Law #2000-90, "Imposition and Collection of Fees and Charges for Certain Municipal Services and Activities". It is intended that a By-law to establish a tariff for certain Municipal Services and Activities, as authorized under the Municipal Act, will be considered by Council on Monday, December 8, 2008.

Ellen further noted Notice is hereby given in compliance with Town Policy, that a Public Meeting will be held by Council on Monday November 24, 2008 at 7:05 p.m to receive and consider comments provided by members of the public in writing or in person at the Public Meeting regarding proposed amendments to By-law #2008.42, "By-Law to adopt fees and service charges related to processing of planning applications and related engineering and public works services". It is intended that the amending By-law for certain fees and service charges related to processing of planning applications and related engineering and public works services, as authorized under the Planning Act, will be considered by Council on Monday, December 8, 2008.

As no one wished to speak Mayor Anderson declared the Public Meeting to be closed.

C. Correspondence as previously circulated

Councillor Gamble asked that Agenda Item C.3 be pulled for separate review, Deputy Mayor McKinlay asked that Agenda Item C.1 be pulled for separate review.

Director of Finance Robert Cummings then spoke noting Agenda Item C.1 correspondence from the Minister of Energy and Infrastructure, as it relates to the Clarksburg servicing project and states the Provincial government has no funds available for the project and that if the Town wishes to ask for funding it should proceed through the Building Canada Fund . Rob further noted Staff recently had discussions with the Federal level of government.

Councillor Gamble then reviewed Agenda Item C.3 from the Township of Chatsworth and noted The Blue Mountains ratepayers should not have to support the taxation shortfall of other County municipalities and asked that Mayor Anderson and Deputy Mayor McKinlay be aware of the Township of Chatsworth motion at the County level.

Duncan then spoke, noting the Provincial funding shortfall for the farmland and forest tax exemption is significant and the Province has made this shortfall a local problem, adding Chatsworth is working through the County to assist with the shortfall. Duncan further noted Chatsworth should be made aware that the Town does not support their shortfall.

Ellen then noted that AMO will continue to push the Province to assist with the shortfall. Bob then noted there are three municipalities in Grey County

that would likely vote against supporting the shortfall and six that would likely be in favour so it may pass at the County.

Deputy Mayor McKinlay then referenced Correspondence Item C.6 from a Collingwood resident. Manager of Water & Wastewater John Caswell then spoke, noting the Town of Collingwood had a significant watermain break on November 11 and they contacted the Town of The Blue Mountains to be on standby for assistance, if required. John noted Lisa Kidd, Communications and Economic Development Coordinator, issued a media release noting water was not affected in the Town of The Blue Mountains. Duncan then thanked John and his staff for their assistance to Collingwood.

Council then dealt with the following Resolution:

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

THAT this Council does hereby receive the Correspondence of November 24, 2008 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 indicate, Carried.

B.2 7:10 pm – Vic Bollinger, Drainage Inquiry at 208655 Highway 26, EPW.08.111

Next as Mr. Vic Bollinger was in attendance it was Council's pleasure to hear him regarding a drainage inquiry at his property at 208655 Highway 26.

Mr. Bollinger then spoke, noting he and neighbour Mr. Salvatore Vaccaro have property on Highway 26 and they have concerns with the flow of water through a ditch alongside his property. Mr. Bollinger noted he does not believe he should be responsible for cleaning the ditch and advised he had discussions with Ainley & Associates and Town Staff and noted there is more water flowing through the ditch as upstream development proceeds. Mr. Bollinger stated he would like to know how the Town will rectify this problem. Mr. Bollinger then referenced Report EPW.08.111 and noted he was not aware of or gave staff permission to cross his property to do work on his neighbour's property, as is indicated in the Report.

Mayor Anderson then thanked Mr. Bollinger for his deputation.

B.3 7:20 pm – Sustainability Presentation – Paul Graham, Chief Administrative Officer

Next as CAO Paul Graham was in attendance it was Council's pleasure to hear him regarding a presentation on Sustainability.

Paul then clarified what sustainability is and what actions the Town is taking towards it. Paul reviewed his experience with sustainability and noted the Town currently has a strategic plan that anticipates a green plan, and further noted the next strategic plan will be an integrated strategic plan.

Paul noted sustainability is a different way of thinking, including life-cycle analysis, and an integrated strategic plan will create much longer visions, as far out as 100 years, further noting the Town should not do anything that would impact future generations. Paul then noted the entire community would be involved in the sustainability plan, referencing Councillor McGee's

recent trip to British Columbia, adding a coordinated community approach is necessary. Paul then reviewed the sustainability principles including targeted economic development, including buying local.

Paul then noted the Town is ready to start the Integrated Community Sustainability Planning and referenced funding received through FCM. Paul then noted community partners have been asked to sign a declaration to commit to help the municipality get the plan together, noting there are 70 community partners which include businesses, churches and employers. Paul noted the community partners would help grow the plan and the Town would not be able to complete the plan alone.

Paul then reviewed the complimentary initiatives and reviewed further initiatives in the community to help develop the plan, noting life cycle costing has been added to the Town purchasing policy, together with a green procurement policy.

Paul reviewed the economic prosperity that would result when long term vision is realized.

Paul noted there are developers that are now marketing energy efficient developments and reviewed waste management economic drivers.

Paul noted the Town must be a leader and the community will follow, noting the Senior Management Team need to have a greater commitment to the Team than their department. Paul noted each department head has had their job descriptions changed to include helping to build a sustainable community and noted succession planning will include sustainable thinking people.

Paul then reviewed performance based management and how it ties into sustainable performance. Paul noted hiring the correct people is critical with the longer term in mind, and further noted sustainable thinkers would be rewarded.

Paul closed his presentation noting this is a lofty goal, but disciplined people with disciplined thinking resulting in disciplined actions can attain this.

Deputy Mayor McKinlay questioned if our children would thank us for this, Paul replying our children would thank us when we make good choices, further noting the Town only has so much money to spend and confirmed sustainability is not about spending more money.

Mayor Anderson thanked Paul for his presentation.

D. Motions and Staff Reports

D.1 Drainage Inquiry at 208655 Highway 26, EPW.08.111

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In speaking to the Report, Councillor McGee questioned Jim McCannell, Manager of Roads and Drainage about the amount of water involved and the stormwater management plan for Georgian Bay Estates and Georgian Bay Club, Jim replying he has not measured or monitored the water flow and is unaware how much water flowed through the ditch prior to development. Jim noted the peak flow may last longer, but it should not be higher than previous.

John then noted in the photographs attached to the Report that there appears to be a substantial amount of water from the creek and the golf course and questioned if the Town has looked into the Burnside Engineering Report as to flow. Director of Engineering and Public Works Reg Russwurm then spoke, noting Burnside has provided a review and Ainley and Associates is reviewing the Report to determine if the stormwater pond is performing as it is intended.

John then noted the pond is only half of the equation, Reg replying he will follow up and report back to Council. John then questioned if the pond flow could be rerouted to the east, Jim replying surveying has been completed and reditching would be required to do this. Reg then spoke, noting the drainage area and the Georgian Bay Club will reviewed next year.

Duncan then spoke, noting this Report deals with Mr. Bollinger's ditch and confirmed he agrees with the Report. Duncan then noted he supports the stormwater review and looks forward to follow-up on the issue.

Councillor Kennedy then questioned if the stormwater pond at the Georgian Bay Club was going to be a reservoir for snowmaking at the Georgian Peaks Club and questioned if the pond was made deep enough for this purpose. Jim McCannell noted there are several ponds at the Georgian Bay Club and noted he was uncertain if this pond was intended for this purpose, Duncan noting this matter should be added to the stormwater review.

Duncan then questioned if development has progressed too far at the Georgian Bay Club to ask the developer to rectify any problems that might be identified, Reg replying the Town needs to ensure the pond is built in accordance with the plans and specifications that were accepted by the Ontario Municipal Board. Duncan then questioned if the pond was in fact not built in accordance with the OMB plans and specifications, Reg replying the pond needs to perform as it was proposed before the condo development proceeds.

Councillor Gamble then spoke, questioning how the Town can resolve the matter, noting a concern in the west end of Thornbury during a recent rainstorm that the water was over the stormwater engineered levels. Bob noted the Town should be diligent to attain the maximum capacities possible on stormwater issues, such as this.

Mayor Anderson then questioned when the Town can expect to hear back from Ainley & Associates, Reg noting there have been recent discussions between Burnside and Ainley and noted the Town is waiting to hear from Ainley & Associates as to review of the stormwater management, Ellen noting Ainley should be contacted now for their comment. Reg then noted a drainage easement over the subject property is not desirable.

Councillor Martin then questioned when the pond is at capacity where the water would flow then, Jim noting the water would go to the Georgian Trail lands, along Highway #26 and then through the creek along Mr. Bollinger's lands.

Duncan then asked if Reg could provide Council with the objectives of the Town's stormwater management, believing this could be of assistance to Council and residents, including drainage matters that are private or Town problems.

Council then dealt with the following Resolution:

Moved by: John McKean Seconded by: Cameron Kennedy

THAT Council recommend that Town Policy be followed of not performing works on private property, as outlined in Report EPW.08.111, Carried.

D.2 County of Grey – Official Plan Five Year Review, PL.08.125

Senior Policy Planner Cindy Welsh then reviewed items not included in the Report.

Cindy noted the Five Year Review was reviewed with Council on August 18, 2008, noting events since the Official Plan Review, further noting a meeting was held on November 14, 2008 with Grey County area planners and the MMAH.

Cindy then noted Town staff met with the Planning Director at Grey County wherein the Town's concerns were noted and questioned why some concerns were addressed in the Official Plan and some were not. Cindy noted a subsequent meeting will be held on November 25, 2008 with the County.

Cindy noted revisions to the recommendations since August 18, 2008 that have been adopted by the County, noting affordable housing has been included though the Town is unsure if 20% is the correct figure.

Cindy noted OMAFRA asked Grey County to remove reference to wineries, but noted wineries is still included.

Cindy noted the 'waste management' section has been reworded.

Cindy noted land use designations have been identified and noted some lands have not been included in Recreational Resort designation.

Cindy noted the November 25 statutory public meeting will not be the last public meeting and prior to adoption of the Official Plan, adding the Town can make further comments.

Councillor McKean then questioned the County's mineral aggregates controls, Cindy noting under the Provincial Policy Statement such lands are to be exempt and noted Grey County will be bringing this into conformity.

Councillor Kennedy then questioned if there is a definition of affordable housing, Cindy replying no.

Duncan then noted other municipalities in the area have made significant changes to agricultural designations and wondered if the Town should make changes too, though agriculture in the area is declining, Cindy replying there are no major changes in the Official Plan regarding agriculture.

Duncan then noted some agricultural or specialty crop designated lands are being used more as residential. Director of Planning Peter Tollefsen then noted mapping in the County Plan which designated specialty crop, agriculture and rural are up to date, further noting the Town is looking at the economic reality of farming and are trying to include flexibility to assist the farming community, for example consideration of wineries.

Councillor Martin then spoke, noting agreement with Councillor McKean that the site plan is important to aggregates. Michael then noted the Official Plan has no target with affordable housing and noted the Town has no policy at all on affordable housing.

Michael noted the Town is involved with a lot more detail than any other municipality in Grey County, Cindy replying the County has given more flexibility to the Town and further noted there has to be a planning justification for any proposal, adding there is no Provincial policy in place as to affordable housing.

Ellen then questioned if the County will do a justification study on affordable housing, Cindy replying yes, Michael noting 20% of housing in Chatsworth could be declared affordable housing.

Duncan then spoke, noting these are draft policies to inspire discussions that will result in the best possible policy.

Cindy noted the Grey County Planning Department has made all comments available to the public and has been very helpful in making the public aware.

Council then dealt with the following Resolution:

Moved by: Cameron Kennedy Seconded by: John McGee

THAT Council does adopt Planning Staff Report #PL.08.125, "County of Grey Official Plan Five Year Review" for information and review purposes and that this Report be forwarded to the County as part of the Town's official response to the County of Grey - Official Plan Five Year Review, Carried.

D.3 Application for Consent File No. B22-2005, Lot 38, Concession 12, PL.08.110

Planner Shawn Postma then reviewed the Report, indicating the retained and proposed severed parcel, noting a significant slope bisecting the property.

Shawn then reviewed the history of the Application, noting the first proposal was made in 1993 which was supported by Council, conditional on new municipal road construction which was not proceeded with. Shawn then noted the proposal was made again in 1997 with a formal Application in 2005, noting a number of concerns were raised by Grey County, Town of The Blue Mountains and the Municipality of Meaford because of the road access. Shawn noted the property was slated for estate residential which was changed in 2005, at which time the property was designated rural, with few, new lots permitted.

Shawn reviewed options to permit the lot, including stopping up and closing and conveying the road allowance or allowing the owner to use the road allowance as a driveway. Shawn noted a number of conditions would be attached to the Consent, including a condition that the Town would obtain a six metre trail allowance from Lora Bay through to the road allowance along the top of the ridge.

Councillor McKean then noted the existing tree coverage and questioned if the trees would be preserved, Agent Drew Easterbrook replying the trees on the site are large weeds.

Councillor Gamble then spoke, questioning if the new private driveway would require a fence, Shawn replying requirements would include engineered drawings and fencing could be added.

Councillor McGee then noted the Meaford side of the road allowance has 20 fronting lots and questioned if they are approved building lots, Shawn replying

E.4 Additions to Agenda

Mayor Anderson then reviewed the Great Lakes St. Lawrence Cities Initiative Annual General Meeting and a request for bidders to hold the 2010 AGM. Ellen noted discussions with Mayor Cal Patterson of Wasaga Beach regarding a jointly held meeting in the Town of The Blue Mountains, further noting the Town would not likely be successful for the 2010 Meeting as meetings generally alternate between the United States and Canada, but the Town could possibly be in line for the 2011 Annual General Meeting.

Deputy Mayor McKinlay then questioned what the costs would be, Ellen replying costs have been incurred by past hosts, but the exact figures are unknown.

Council then dealt with the following Resolution:

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

THAT Council support our region hosting the 2010 Great Lakes and St. Lawrence Cities Initiative Annual General Meeting and Conference.

In speaking to the Motion, Councillor McKean, noting support for the bid to host the GLSLCI Annual General Meeting and Conference in 2010 or 2011 given CAO Paul Graham's presentation on Sustainability.

Council then voted on the Resolution, Carried.

F. By-laws

F.1 Temporary Closing of a Portion of Municipal Highway

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

THAT By-law No. 2008 - 106, being a By-law to temporarily stop up and closed portions of Bruce Street north and Louisa Street on December 13, 2008 in relation to the 2008 Old Fashioned Christmas event, be hereby enacted this twenty-fourth day of November, 2008, Carried.

F.2 Speed Limit for Motor Vehicles on a Municipal Highway

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

THAT By-law No. 2008 - 107, being a By-law to prescribe a speed limit for motor vehicles of 40 kilometres per hour on Mountain Drive from Plater Street to County Road 119, be hereby enacted this twenty-fourth day of November, 2008.

In speaking to the Motion, Councillor Martin questioned where this request emanated from, Deputy Mayor McKinlay replying the matter is the result of an Engineering and Public Works Committee Report noting the area is a loading and unloading area, further noting the speed reduction enhances safety. Michael then questioned the length of the speed reduction, Manager of Roads and Drainage Jim McCannell replying less than 1000 feet.

Council then voted on the Resolution, Carried.

F.3 Rezone Part Lot 38, Concession 12, Condition of Consent B22-2005

Moved by: John McKean Seconded by: Cameron Kennedy

THAT By-law No. 2008 - 108, being a By-law to rezone part Lot 38, Concession 12 from the General Rural A1 Zone to the Rural Estate Residential RERb-h and Hazard H Zones, be hereby enacted this twenty-fourth day of November, 2008, Carried.

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest

Reports List (Adopt)

3. Engineering and Public Works, November 12, 2008

Deputy Mayor McKinlay then reviewed the Engineering and Public Works Committee Report, noting item C.1 Peaks Road Widening in conjunction with the Delphi Point development and confirmed the cost should not be a burden to users.

Duncan then reviewed item D.4 Snow Plowing on Unassumed Roads, noting unassumed roads will not be ploughed.

Council then dealt with the following Resolution:

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

THAT Council does hereby receive and adopt the Engineering and Public Works Committee Report of November 12, 2008, including the Recommendations contained therein.

In speaking to the Motion, Councillor Kennedy noted the Georgian Trail Board does not want the Trail to be moved as part of Peaks Road reconstruction only because of summer use of the Georgian Peaks parking area. Director of Engineering and Public Works Reg Russwurm noted comments have been received and the Georgian Trail Board has been circulated and will be involved in the final design.

Councillor Martin then noted the design should be made subject to acceptance by the Georgian Trail Board, Duncan noting for safety, it should be ensured people would not cross between cars at the intersection but straight across at traffic lights. Reg then noted street lights will be installed next year.

Councillor Gamble then noted the Georgian Trail Board should be circulated and cyclists should not cross between cars, adding that the crossing should be in the area where the green light would be.

Council then voted on the Resolution, Carried.

4. Finance and Administration Committee, November 18, 2008

In speaking to the Report, Councillor Gamble reviewed the Finance and Administration Committee Report, noting the appointment of a Municipal Auditor and reviewed the sale of lands in Heathcote.

Deputy Mayor McKinlay questioned if the County would be given an allowance for a road widening when the Heathcote property is sold, Bob replying yes.

Council then dealt with the following Resolution:

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

THAT Council does hereby receive and adopt the Finance and Administration Committee Report of November 18, 2008, including the Recommendations contained therein, Carried.

H. Next Meeting Date(s)

Council December 8, 22, 2008, January 12, 26, 2009, February 9, 23, 2009
Planning Council November 3, December 1, 2008, January 19, February 2, 2009

All Council meetings to be at the Library unless otherwise noted

Engineering and Public Works Committee, December 10, 2008

Finance and Administration Committee, December 16, 2008

Recreation Committee, December 4, 2008

I. Closed Session

Interim Control By-law Appeals to OMB, Proposed Official Plan and Zoning By-law Amendments, Proposed Licencing Regime, Litigation Update

Town solicitor Elizabeth Brown of Hicks and Morley was then in attendance and Council dealt with the following Resolution as an addition to the Agenda:

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

THAT with regard to subsection 239(2) of the *Municipal Act, 2001*, this Council do now move into closed session in order to address matters pertaining to the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;

AND to discuss confidential matters about the Town's pension plan.

Council moved into closed session at 9:31p.m.

Council rose from closed to public session at 10:55 p.m.

While in closed session, Council dealt with the following procedural Motion:

Moved by: John McKean Seconded by: Michael Martin

THAT Council shall proceed beyond 11:00 p.m. with the unanimous consent of Council, Carried.

Council then dealt with the following Resolution:

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

THAT with regard to subsection 239(2) 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 the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;

AND with regard to appeals of Interim Control By-laws No. 2008-12 and 2008-67;

AND with regard to consideration of potential appeals to Official Plan and Zoning By-law Amendments proposed to follow the Interim Control By-laws;

AND with regard to a proposed Licencing regime addressing Short Term Accommodation uses;

AND with regard to an update on status of litigation involving Grey Condominium Corporation No. 37, Carried.

Council moved into closed session at 10:58 p.m.
Council rose from closed to public session at 11:11 p.m.

Regarding status of litigation involving Grey Condominium Corporation No. 37, Council then dealt with the following Resolution based on discussion and review of Staff Report SRB.08.66 in closed session:

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

THAT Council does hereby authorize the Mayor and Clerk to execute a release related to the Town's Statement of Claim against G. Randall Gutthrie, Architect, Inc. and Arthur Muscovitch Architect Inc., Carried.

J. Confirmation By-law and Adjournment

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

THAT By-law No. 2008 - 109, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on November 24, 2008, be hereby enacted as passed this twenty-fourth day of November, 2008, Carried.

NOTE: Councillor Kennedy earlier declared a pecuniary interest and did not take part in related discussion or voting regarding the Confirmation By-law.

Moved by: D.R. McKinlay

THAT this Council does now adjourn at 11:13 p.m. to meet again December 8, 2008, 7:00 pm, L.E. Shore Library, or at the call of the Chair, Carried.

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Ellen Anderson, Mayor

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Corrina Giles, Deputy Clerk