

Minutes - The Blue Mountains Council Meeting



MEETING DATE: December 8, 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 save Councillor McGee absent due to illness
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Engineering and Public Works Reg Russwurm, Director of Recreation Shawn Everitt, 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, Senior Policy Planner Cindy Welsh and Manager of Roads & Drainage Jim McCannell

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

- Approval of Agenda:

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

THAT the Agenda of December 8, 2008 be approved as circulated, including any items added to the Agenda, Carried.

Mayor Anderson then noted a revision to Agenda Item F.3 and confirmed Council has been provided with the amended By-Law.

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Mayor Anderson with respect to Accounts, Agenda Item G.2 and a cheque payable to her father, Councillor Kennedy with respect to Accounts, Agenda Item G.2 and cheques payable to his company and daughter and Councillor McKean with respect to Accounts, Agenda Item G.2 and a cheque payable to his place of employment

- Adoption of Consent Agenda

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

THAT the Consent Agenda of December 8, 2008 be adopted as circulated, Carried.

- Previous Minutes

Moved by: John McKean Seconded by: Cameron Kennedy

THAT the Council minutes of November 24 and Special Meeting of Council minutes of November 18 and Public Meeting minutes of November 22, 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

7:05 pm – Breaking Down Barriers, Andrea Abbott-Kokosin, Catherine Sholtz – Thumbs Up Access and Awareness Services

Mayor Anderson then thanked Andrea Abbott-Kokosin and Catherine Sholtz from Breaking Down Barriers (BDB), for attending.

Andrea then spoke, noting BDB is a non-profit organization in Collingwood serving the Georgian Triangle and persons with disabilities in the area. Andrea noted their work is driven by independent living in the area, including peer support and information supporting access and awareness services. Andrea then reviewed the Accessibility Act, noting the 2010 deadline for customer service compliance, though no exact date has been given for all provisions. Andrea noted BDB assists municipalities and companies in complying with the Act.

Catherine Sholtz then spoke and reviewed the Thumbs Up Program, noting site assessments are based on minimums of the building code, including parking, washrooms and access. Catherine noting BDB promotes opportunities for those with disabilities, including on-site visits and site plan recommendations including commercial site plans.

Catherine noted small changes such as coloured site markers for changes in elevation can make a difference and automatic doors are of great assistance. Catherine noted local businesses have been contacted to do assessments.

Catherine noted BDB have applied for \$4000 through the Town's Grants and Donations Program to assist with assessments into 2009, further noting funding has been received from the Town of Collingwood.

Ellen then questioned what, if any, response was from Town businesses to BDB's offer to do accessibility assessments, Catherine noting the biggest issue was the cost of a retrofit, though Catherine further noted some retrofits are inexpensive. Catherine noted some businesses required only a doorbell, noting most issues are access issues.

Ellen then questioned if there are any grants available to businesses to assist in the cost of a retrofit, Catherine noting grants had previously been offered though there are none available at the current time. Ellen then asked if BDB could notify businesses when grants are available and assist them in the preparation of applications, Catherine replying yes, further noting BDB are very experienced in this area.

Ellen then thanked Andrea Abbott-Kokosin and Catherine Sholtz for their presentation on behalf of Breaking Down Barriers.

C. Correspondence as previously circulated

Mayor Anderson then spoke, noting she has been invited by Minister Gerretsen to attend a round-table discussion on December 10, 2008 regarding Green Energy.

Council then dealt with the following Resolution:

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

THAT this Council does hereby receive the Correspondence of December 8, 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 indicated, Carried.

D. Motions and Staff Reports

D.1 Snowmobile Trails, DOR.08.46

Director of Recreation Shawn Everitt then reviewed the Report, noting an ad-hoc Snowmobile Trail Committee has been created and members of the Committee include representatives from the snowmobile clubs, County of Grey, Town of The Blue Mountains OPP, The Blue Mountains Engineering and Public Works Department and the Blue Mountains Council. Shawn noted the Committee has reviewed various areas of concern.

Shawn then noted Grey County served notice that the snowmobile club will no longer be permitted to use Grey Road No. 19 as of the beginning of the 2008 season, but noted a one year extension had been secured.

Shawn noted Grey Road No. 19 is the main concern to gain access to Collingwood, noting access to Collingwood along the 12th Sideroad was revoked by Council in 2000, further noting permission was revoked through the private Castle Glen lands as well.

Shawn then noted the Committee reviewed reopening of the 12th Sideroad and the Second Line as an access route, adding residents were notified and asked for input and concerns on reopening the 12th Sideroad. Shawn then noted residents of the 12th Sideroad are in attendance, Ellen replying this is not a public meeting, noting the Report is for information purposes only.

Shawn then noted the residents' concerns include excessive speed and noise. Shawn noted Snowmobile Trail Officer Patrol (STOP) Officers have the same authority as a police officer and confirmed STOP Officers will be present to issue tickets.

Shawn then noted the 6th Line is currently used to get around Castle Glen lands, further noting this route has too much road running.

Councillor Gamble then spoke, questioning if the 12th Sideroad was open to snowmobiles, if the snowmobiles would be off the travelled road, Shawn replying they would be off the road for a portion of the section and would use the original road allowance to bypass the deviation road, further noting past the deviation snowmobiles would be travelling the road.

Bob then questioned the budget impact of \$146,000, Shawn replying \$80,000 would come from development charges, \$40,000 from donations and another \$20,000 from donations in 2010.

Shawn then noted if the 12th Sideroad is opened to snowmobilers it would be monitored and if it was found that noise and speed were excessive tickets could be issued.

Deputy Mayor McKinlay then noted the groomers could groom the trail to a certain degree to allow a buffer for noise.

Bob then questioned what the speed would be for snowmobiles, Shawn noting it could be limited to what the Town requests, further noting OFSC would enter into a land use agreement with the Town on unopened road allowance, noting the OFSC has liability insurance coverage of \$14 million per occurrence.

Councillor McKean then spoke, noting the Report identifies stream crossings and questioned who would build bridges across the streams, Shawn replying the bridges would be Town projects, noting the Town will have to consult with the Nottawasaga Valley Conservation Authority. Shawn further noted there are concerns with stream crossings, but confirmed again that they will be Town driven as part of establishment of the trail.

Councillor Kennedy then questioned what authority STOP officers have, Shawn replying they have special authority which includes issuing speeding tickets and requiring identification.

Duncan then noted it is important to note the input from the 12th Sideroad community, adding the key is to note we can discuss and control and alleviate a majority of concerns. Duncan further noted snowmobiling helps the economy through tourism. Duncan then noted a lot of the issues have been addressed and the Town will continue to monitor the issues as well.

Ellen then questioned reference to the Bruce Trail user agreement, Shawn replying the Bruce Trail needs to sign land use agreements for all unopened allowances for insurance purposes.

Duncan then noted there are currently stream crossing structures in place, but noted the replacement structures will be engineered structures that are proper for the intended uses, further noting we want the trails to be used but the Town wants to be assured the trails are safe with proper stream crossing structures in place.

Ellen then thanked the Committee for their hard work, noting the Town wants to come to a solution, noting snowmobiling supports the Town's economic development. Ellen thanked the members of the club and the 12th Sideroad residents for attending.

Council then dealt with the following Resolution:

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

THAT Council receive Staff Report DOR.08.46 "Snowmobile Trails" for information purposes and supports the reopening of the 12th side road to snowmobile traffic for the 2009/10 season.

In speaking to the Motion, Councillor Martin questioned if the Report authorizes a gas supply trail to Thornbury, Deputy Mayor McKinlay noting if there are concerns with the gas trail a subsequent Report can address this. Shawn then spoke, noting the Report supports the trail going to the old Mini Mart crossing #26 at Grey Street, further noting the trail previously had to travel along Highway #26 to access the Co-Op Gas Bar. Shawn further noted the only place to purchase gas in Thornbury is at the Co-Op Gas Bar.

Michael then questioned if snowmobiles are permitted to use the Georgian Trail to get to Tim Hortons, Shawn replying if the snowmobile is insured and licenced it can travel on Town streets. OPP Sergeant Charlie Watts then confirmed snowmobiles can travel on Town streets. Shawn noted the Bridge on Highway #26 and the Trestle Bridge are concerns with the Committee, further noting physical bridge barriers can be put in place for traffic control.

Duncan then noted these issues can be addressed in the future by putting agreements in place.

Bob then referenced the tri-party agreement, noting the Georgian Trail is a non-motorized trail.

Council then voted on the Resolution, Carried.

D.2 Short Term Accommodation – Interim Control By-law Extension, PL.08.131

Director of Planning Peter Tollefsen noted that Staff is requesting an extension to the Interim Control By-Law.

Councillor Martin then questioned if the Interim Control By-Law should be extended to April, 2010, Planner Cindy Welsh replying the By-Law could only extend for two years which would be February, 2010. Michael then questioned why the Town would not then extend the By-Law to February, 2010 so the matter does not have to be repeatedly addressed. Director of Planning Peter Tollefsen then spoke, noting if matters are addressed in the near future the Town may have need for an Interim Control By-law to address another matter and the Town can have only one Interim Control By-Law in effect at a time, further noting the Interim Control By-Law can be repealed at any time.

Deputy Mayor McKinlay then spoke, noting the Interim Control By-Law is under appeal at the Ontario Municipal Board, Peter further noting the six month extension period was recommended at the commencement of the Interim Control By-Law process, which is the reason for the proposed extension.

Cindy then spoke, noting if the Interim Control By-Law is extended to 2010, residents may feel we are not efficiently dealing with the matter.

Councillor Gamble then spoke, noting the OMB Hearing is regarding the Interim Control By-Law in general and questioned if we have to advise the parties of the Interim Control By-Law extension, Peter replying that notice must be provided, further noting the appeal is with respect to the first Interim Control By-Law.

Council then dealt with the following Resolution:

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

THAT Council receive Planning Staff Report No. PL.08.131, "Short Term Accommodation – Interim Control By-law Extension"; and

THAT Council enact an amendment to Interim Control By-law No. 2008-12 to extend the time in effect for an additional six (6) months, Carried.

D.3 Short Term Accommodation Licencing, SRB.08.64

Director of Building and By-Law David Finbow then spoke, noting this matter was before Council previously.

Councillor Gamble then noted reference in Report SRB.08.55 that suggests hiring of staff before any proposed licencing came into place, noting operators should be first given an opportunity to comply.

Council then dealt with the following Resolution:

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

1. THAT Council receive Staff Report Nos. SRB.08.55 and SRB.08.64 with respect to Short Term Accommodation Licencing.
2. THAT Council direct Staff to finalize the preparation of a Draft Short Term Accommodation Licencing By-law pursuant to Part IV of the *Municipal Act*.
3. THAT Council direct Staff to incorporate into the Draft Short Term Accommodation Licencing By-law provision for licencing short term accommodation uses that are protected by virtue of Section 34(9) of the *Planning Act* (short term accommodation uses that were lawfully used for such purpose on the day of the passing of the by-law that would otherwise prohibit same).
4. THAT Council direct Staff to proceed with an advertisement respecting a public meeting related to the Draft Short Term Accommodation Licencing By-law with such advertisement to be published in a local publication(s) for two (2) successive weeks prior to the public meeting.
5. THAT Council direct Staff to proceed with the preparation of draft amendments to the Property Standards By-law related to the interior of a premise and report back to Council on same with it being noted that such draft amendments will prescribe standards for the maintenance and occupancy of a property and for prohibiting the occupancy or use of such property that does not conform with the standards and to also require the repair of properties that do not conform with the standards, Carried.

D.4 Award by Tender Proposal Award Committee, FS.08.58

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

THAT Council receive Staff Report FS.08.58 "Award by the Tender Proposal Award Committee" for information purposes, Carried.

E. New and Unfinished Business

E.1 Grey County Council Update

Mayor Anderson then noted Kevin Eccles has been elected once again to the office of Warden and noted the Grey County is currently in the budget process.

Duncan then spoke, noting the Grier Creek bridge project is slowing, noting access will be through the north during the winter months.

Duncan then noted the new Chair of the Transportation and Public Safety Committee is Howard Greg, adding the Chair for the Planning and Community Development Committee will be elected shortly, further noting he would like to continue as Chair of the Planning Committee, if elected.

Duncan then noted the budget process is ongoing and the Governance Committee will be working with the proposals on the need for changes.

E.2 AMO Board of Directors Update

None

E.3 Notice of Motion

None

E.4 Additions to Agenda

None

F. By-laws

F.1 Fees and Charges (Municipal Act)

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

THAT By-law No. 2008 - 113, being a By-law to amend By-law 2000-90, being a by-law for the imposition and collection of fees and charges for certain municipal services and activities, be hereby enacted this eighth day of December, 2008.

In speaking to the Motion, Deputy Mayor McKinlay questioned if this By-Law will produce more revenue than last year, Director of Financial Services Rob Cummings replying the By-Law will generate a small increase in revenue, noting it is in line with inflationary increases.

Duncan then questioned if Staff are noting most charges in one By-Law, Rob replying some fees are in a separate By-Law.

Council then voted on the Resolution, Carried.

F.2 Fees and Charges (Planning Act)

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

THAT By-law No. 2008 - 114, being a By-law to amend By-law 2008-42, being a by-law to adopt fees and charges related to processing of Planning Applications and related Engineering and Public Work services, be hereby enacted this eighth day of December, 2008, Carried.

F.3 Interim Control By-law Extension

Moved by: Cameron Kennedy Seconded by: Michael Martin

THAT By-law No. 2008 - 115, being a By-law to extend Interim Control By-law No. 2008 – 12 for a six month period ending July 4, 2009, be hereby enacted this eighth day of December, 2008, Carried.

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest (A. Gibson, Miller Waste Systems, CK & A, M. Kennedy)

Reports List (Adopt)

None

Minutes List (Receive)

3. GSCA Source Protection Committee, October 24, 2008

H. Next Meeting Date(s)

Council December 22, 2008, January 12, 26, 2009, February 9, 23, 2009
Planning Council January 19, February 2, 2009

All Council meetings to be at the Library unless otherwise noted

Engineering and Public Works Committee, January 13, 2008
Finance and Administration Committee, December 16, 2008
Recreation Committee, January 8, 2009

I. Closed Session

Moved by: D.R. McKinlay 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 personal matters about an identifiable individual, including Town or local board employees, Carried.

Council moved into closed session at 8:22 p.m.
Council moved into public session at 9:58 pm.

Town CAO Paul Graham was delegated the powers and duties of the Clerk for the closed session portion of the meeting and Deputy Clerk Corrina Giles was excused.

J. Confirmation By-law and Adjournment

Moved by: R.J. Gamble Seconded by: Michael Martin

THAT By-law No. 2008 - 116, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on December 8, 2008, be hereby enacted as passed this eighth day of December, 2008, Carried.

NOTE: Mayor Anderson and Councillors Kennedy and McKean had earlier declared pecuniary interests and did not take part in discussion or voting related to the Confirmation By-law.

Moved by: Cameron Kennedy Seconded by: Michael Martin

THAT this Council does now adjourn at 10:02 p.m. to meet again December 22, 2008, 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, Deputy Clerk