

Minutes - The Blue Mountains Council Meeting



MEETING DATE: December 14, 2009

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Stephen Keast, Clerk

A. Call to Order

- Mayor Anderson called the meeting to order with all members in attendance save Deputy Mayor McKinlay and Councillor McKean, both absent due to previous commitments.
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Financial and Information Services Rob Cummings Deputy Treasurer Liz Thompson, Manager of Revenue Ruth Prince, Capital Accountant Darcy Chapman, Director of Engineering and Public Works Reg Russwurm, Manager of Water and Wastewater Services John Caswell, Manager of Roads and Drainage Jim McCannell, Director of Special Projects (Sustainability) Peter Tollefsen, Library CEO Carol Cooley and Director of Planning and Building David Finbow.

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

- Approval of Agenda:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT the Agenda of December 14, 2009 be approved as circulated, including any items added to the Agenda, and as to the amendment in the order of the items on the Agenda, unanimously Carried.

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Mayor Anderson with regard to Agenda item G.2, Accounts and cheques payable to her father and Councillor Kennedy with regard to Agenda item G.2, Accounts and cheques payable to his daughter.

- Adoption of Consent Agenda

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

THAT the Consent Agenda of October 26, 2009 be adopted as circulated, less any items requested for separate review and discussion, being the Planning and Building Committee Report of December 7, 2009, Carried.

NOTE: Mayor Anderson and Councillor Kennedy McKean had earlier declared a pecuniary interest with regard to Agenda item G.2, Accounts and did not take part in related discussion or voting.

Previous Minutes

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

THAT the Council minutes of November 23, 2009 be adopted as circulated, including any revisions to be made, unanimously Carried.

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

B. Deputations/Presentations

B.1 PUBLIC MEETING – Camperdown Capital Water and Sewer Charges for the Use of the Town's Water and Sewage System.

Mayor Anderson then noted that Council of the Town of The Blue Mountains will hold a Public Meeting at the Regular Meeting of Council, Monday, December 14, 2009 at 7:05 p.m. at the L. E. Shore Memorial Library to consider the proposed By-Laws to impose capital water and sewer charges for the use of the Town's water and sewage system (Camperdown Service Area).

Ellen further noted the proposed By-laws will be presented to Council for adoption at the Regular Meeting on January 11, 2010 and will affect the property owners listed on Schedule "B" of the proposed By-laws. The proposed By-laws and Staff Reports have been available on the Town's website from December 4, 2009. Copies of the By-laws and Staff Reports were also made available by contacting the Town Office and/or at the Public Meeting.

Rob then noted the Public Meeting is intended to have further dialogue on the proposed By-laws, with Staff previously having been directed to consider various costing methodologies other than a per unit basis as well as timing of payment.

Rob then reviewed the alternative methodologies reviewed, including assessment banding and a 50% assessment and 50% fixed rate, adding in both scenarios 55% of affected properties would pay more than on a per unit basis, an assessment variation with weighted bands showing an increase for 50% of affected properties.

Rob then noted consideration of using building floor area or number of washrooms would be problematic as MPAC information is not always up to date and is not considered public information. Rob further noted use of lot frontage or area was an option, but without uniform lot characteristics there would be anomalies.

Rob then reviewed repayment options and terms, adding deferral of payment for one year would mean the Town would pay 2010 year costs.

Mayor Anderson then asked if anyone wished to speak to the proposed By-laws.

John Gyles, Hidden Lake Road then presented information on behalf of a group of Hidden Lake Road residents, being a request to delay initiation of payment until 2011, adding the reservoir benefit will only be realized when new water lines are installed sometime in the future and would Council extend repayment terms, as residents are already paying increased insurance due to lack of fire protection.

Rob then noted the Town was obligated to utilize best efforts to recover servicing costs, being repayment beginning in 2010.

Reg then clarified there are three components to the reservoir benefit at present, being equalization of supply during times of maximum demand, fire protection storage during a fire event and emergency storage in the case of a water main break or treatment plant problem.

Deputy Mayor McKinlay then attended the meeting.

Reg then clarified there is less servicing redundancy in the immediate Hidden Lake area at present and this water main will be looped when Alta Phase 2 develops and

ultimately Hidden Lake Road will have full fire protection, John Gyles again noting residents are presently paying higher insurance costs due to lack of fire protection.

Rob then noted an annual repayment amount of less than \$1,500 is within the Town affordability guidelines.

David Creech, Hidden Lake Road then questioned will all monies collected go to the developer group, why not use the 20 year repayment terms earlier agreed to with the developers, why does Council feel residents with no fire protection should pay when no actual benefit is derived and when will Council debate these matters in public where the public can understand each Councillor's position

Mike Ballard, Hidden Lake Road then noted there has been no formal Council debate to date on the matter, a 4 year repayment period is too short, Hidden Lake area residents will realize no real benefit for 10 to 20 years and 56 of 61 area resident respondents to an e-mail petition support the delay of payment initiation until 2011, an extended payment period of 20 years and no invoices until area residents receive an actual benefit.

Mike then requested a public debate on the matter and submitted a petition for the record.

Glenn Bier, Woodland Park Road then noted that information was to be available December 4, but was not available until December 7 and is also not available at the Public Meeting and residents need to have the information to understand it, adding he believed that Council has not provided sufficient information in this matter.

Mr. Bier further questioned the proposed 4.8% interest rate on repayment which should be prime plus .5 or 1%, then complementing Council and Staff for considering various costing options. Mr. Bier then questioned reference to a flat unit rate as being the most fair costing method, as property tax bills are calculated based on assessment and as servicing is based in part on usage a flat rate would be least fair.

Mr. Bier then noted a significant capital charge is not easily addressed for those on a fixed income and residents would have to be convinced the charge is fair and a flat rate is not fair. Mr. Bier then proposed that all vacant lots be charged a flat rate of \$12,000, that all dwelling charges be based on 2009 property assessment and the obligation should be treated as a loan or mortgage with residents to determine how they wish to pay.

Mirella Taiariol, Hidden Lake Road then noted the Public Meeting was the same as on October 14, 2009, with little change to the proposed By-laws, questioning what could be done now that the developers have received their servicing.

Mirella then questioned rate calculation by assessment, Rob noting it is a fair alternative to utilizing floor area or number of washrooms, a concern for example being a small dwelling on a waterfront lot featuring a high assessment but actually using less water servicing.

Mirella then stated using assessed values would represent true property value, Rob noting assessment information is not always current, noting with water and sewer servicing projects there is an ability to assess usage.

Mirella then noted market value assessment is utilized for taxation purposes and should be considered current, Darcy replying property taxation allows for supplementary assessment but in the case of a servicing project, there could be no

further assessment in the case of an addition or replacement dwelling and residents who were just over a banded value would have concerns. Darcy further noted there would have to be 560 separate amortization schedules if assessment values were used.

Rob then noted the original By-laws have not been updated as there has been no decision made on a methodology for calculation.

Terry Thompson, Georgian View Estates then spoke, questioning the Thornbury sewage plant charges, being \$26 million for the whole plant, with \$8 million spent to date, with an \$8,000 charge proposed for Camperdown residents based on an \$18 million estimate in funds that have not been spent. Terry noted residents do not understand why they would be charged based on money that is not yet spent, proposing a deferred charge when work on the plant proceeds.

Darcy then explained the total plant costs would service all proposed units in the Thornbury East and West, Clarksburg, Lora Bay and Camperdown Service Areas, with debt already being incurred with plant design and approvals proceeding, the actual plant upgrade to proceed once servicing capacity has been reached and these future works must be financed.

Terry then noted the expenditures are proposed to be incurred in 2012 and 2017, Darcy noting there is not sufficient capacity in the plant at present to service all proposed development and when current capacity is reached expansion will proceed, adding there is sufficient capacity at present to service Camperdown residents.

Terry then questioned if an analysis was available of the complete \$26 million estimate and expenses incurred to date, Darcy replying he would provide such information.

CAO Paul Graham then reviewed community engagement efforts to obtain as many resident e-mail addresses as possible in order to disseminate municipal information.

Mirella Taiariol then questioned changes to the proposed By-law in construction and repayment costs, Darcy noting the total project cost was divided by the total benefitting units to arrive at actual per unit costs. Mirella then noted it appeared the unit count had again changed, Darcy to review.

Mirella then questioned future process, Darcy noting a further Staff Report would be presented to the Finance and Administration on December 15 regarding consideration of calculation and payment options which would lead to By-laws being drafted for consideration and debate by Council on January 11, 2010.

David Creech then noted this was the first notice that residents had the matter would be considered on December 15 and questioned fairness, Darcy replying the intention is to get direction to bring forward By-laws for Council to debate.

Mayor Anderson then noted if Council was not satisfied with the draft By-laws the process would extend past the January 11, 2010 Council meeting.

Darcy then clarified that Council was not driving the project and Staff are trying to ensure the project is moving forward with consideration of all new information.

Mayor Anderson then noted Council is not taking this matter lightly and there has been a great deal of work and review completed by Council and Staff and the By-laws may in fact not be ready for January 11.

Councillor Kennedy then noted everyone should be aware that Council has not made any decisions and the matter will be further researched before any decision will be made.

Mike Ballard then requested the matter be removed from the Finance and Administration Agenda of December 15 to allow time for residents to become involved, Councillor Gamble noting all information received will be considered January 11.

Rick Pettit, Lakewood Drive, then spoke, noting the project cost was determined before the public process was started. Rick further noted he understands what one person thinks might be fair is not what another might and the focus should be on the repayment schedule to determine ability to pay.

Mike Stoneham, area resident then spoke, questioning if the project in fact had to move forward or was it a consultant recommendation, Darcy replying the project had to move forward as \$13 million was in fact spent for Camperdown servicing and the Thornbury treatment plant costs were an outstanding issue and the issue now was to recoup the monies.

Mike then questioned how that much money could have been spent without first going to the public, Deputy Mayor McKinlay noting Council undertook planning for long term servicing several years ago and these were public processes in which few people were interested, adding that perhaps the current discussion would generate greater community interest in such matters.

Duncan further noted municipal servicing in the Camperdown area was facilitated by working with the development community to service a greater number of residential properties in the area.

Mike Stoneham then questioned if developers met with Council about their costs, Duncan replying developers were involved in the public servicing processes, part of the whole process in the Town trying to do the right thing for the community.

Mike then stated at some point decisions were being made regarding a \$13 million servicing project and a \$26 million treatment plant, Duncan noting any ratepayer could have been involved in the long range planning process.

Mayor Anderson then noted this issue is an example of why the Town is trying to better engage the community and provide more information to residents and if successful, residents, Staff and Council will all be better off.

As no-one further wished to speak, Mayor Anderson declared the Public Meeting to be adjourned.

B.2 PUBLIC MEETING – 2010 Proposed Budget, Proposed Tax Levy Changes and Water and Wastewater Rate Changes.

Mayor Anderson then explained that a statutory Public Meeting will be held regarding the 2010 Proposed Budget and supporting Tax and Water and Wastewater Rate Changes at the regularly scheduled Council meeting of December 14, 2009, at 7:05 pm. Any person may attend the Public Meeting and / or make written or verbal representation regarding the 2010 Proposed Budget.

Ellen further advised that the Council of The Corporation of the Town of The Blue Mountains, at its regularly scheduled Council Meeting of Monday, January 11,

2010, intends to adopt the Estimated Revenues and Expenditures for all departments of the Town for the year 2010 and adopt the 2010 Water and Wastewater Rates.

Rob then reviewed previous 2010 Budget meetings, including the December 10 Public Information Centre.

Rob then noted the Budget would be considered on January 11, 2010, with a 2% increase in municipal property taxes, a 2% increase in water rates and no increase in wastewater rates.

Mayor Anderson then asked if any members of the public wished to speak.

Thornbury resident Paul Mitchell then spoke, first complementing Financial and Information Services Staff for their work in preparing the Budget.

Paul then stated Council must set spending priorities, with 31% of the capital program funded by development charges and 15% from reserves, as development may not come back in 2010 which would leave dc and reserve funds in the negative and a source of funding may not be available for all projects.

Paul then noted Town Hall estimates have now increased to \$8.5 million with \$460,000 for site remediation.

Paul then noted a Building Staff Energy Report is included that will yield no proposed cost savings and the proposed dog park is still included, Rob noting the dog park is removed from the current Budget.

Paul then questioned funding still included for Clarksburg water servicing, Reg noting those funds would be recovered from Clarksburg water users when installed.

Paul then questioned recent increases in unbilled water and increases in legal fees, Rob noting the legal fees were considered in relation to the Town Zoning By-law project.

Paul then noted the cost of living increase to employees was 1% but overall wages and salaries were up 8%, adding salaries represented \$31,000 per day, further noting the Thornbury Medical Clinic is now to be discussed separately and stated he believed there could have been a 0% increase Budget.

Deputy Mayor McKinlay then requested John Caswell to address unbilled water, John noting the figure was as low as 25% and is now 29% and moving downward, the target being 20%.

As no-one further wished to speak, Mayor Anderson declared the Public Meeting to be adjourned.

B.4 Simon Schrieber - Application for Temporary Use By-law (Hummer Tours) – PL.09.130, Part Lot 14, Concession 4 – 595839 4th Line - Agenda Item G.4, Recommendation 3(b)

Council then concurred to hear Mr. Schrieber who had a time commitment, David Slade agreeing.

Simon then spoke to the proposed By-law, referring to his comments at a previous statutory Public Meeting on the matter, adding the Hummer Tours were on land adjacent to his equestrian farm.

Simon noted his farm has essentially remained the same for a century and Hummer Tours on the adjacent lands are not consistent with the nature of the area. Simon further noted the use has operated for the past several years and he believes it is harming the environment.

Simon then proposed a compromise, being that the use be permitted for one more year following which it would cease and relocate to an area where there would be less impact with the subject lands to be cleaned up.

Simon then thanked Council and retired from the meeting.

B.3 David Slade, D.C. Slade Consultants - Application for Consents B13 through B18-2009 inclusive and Zoning By-law Amendment, Lot 19, Concession 2 – Tyrolean Village, PL.09.135 – Agenda Item G.4, Recommendation 5(b)

David then spoke, noting the Applications were considered at the December 7 Planning and Building Committee meeting and were deferred for consideration by the whole of Council.

David then noted Arlberg Crescent has existed since the 1960's, adding that short term accommodation uses were requested at the time of application as it was believed the issues before the Ontario Municipal Board would have been resolved. David further noted normal Residential R3 zoning is acceptable to his client, adding the sta issues are before the Board and that is where it should be addressed.

David further noted the previously granted Cunningham consents require some realignment and redevelopment of a portion of Arlberg Crescent and could be done in conjunction with the subject Applications.

Councillor Gamble then noted when the Applications were previously considered it appeared sta uses would be included in the zoning, together with increased rear yard setbacks to establish a buffer zone against the properties to the south.

David then clarified sta for the proposed lots is not before Council and the matter could be considered following any Board decision and if brought forward, increased setbacks could be considered.

Councillor Kennedy noted he previous concern with short term accommodation wording regarding the Applications and if it is no longer an issue he has no concerns.

David then thanked Council and retired from the meeting.

C. Correspondence as previously circulated

Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT this Council does hereby receive the Correspondence of December 14, 2009 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, unanimously Carried.

Author

Recommendation/Action

- | | |
|--|----------------------------|
| 1. Heart and Stroke, Permission to canvas | Motion D.7 |
| 2. Grey Source Protection, Source land uses | Refer to Planning |
| 3. Grey County Planning, NVCA Partner agree“ | “ |
| 4. My Friend’s House, Request for assistance | Refer to Finance and Admin |
| 5. Premier McGuinty, Disaster Relief | Receive for information |
| 6. Minister of Municipal Affairs, Thank you | “ “ |
| 7. Minister of Citizenship, Volunteer awards | “ “ |
| 8. Chamberlain Architect, Town Hall notes | “ “ |
| 9. Grey County, Green Energy Act | “ “ |
| 10. Georgian Bluffs, Georgian Bay Initiative | “ “ |
| 11. Clearview Twp, Post-Secondary Comm. | “ “ |
| 12. Township of Essa, 2010 NVCA Budget | “ “ |
| 13. Haldimand Disaster Relief, Thank you | “ “ |
| 14. AMO, Good Government Act passage | “ “ |
| 15. AMO, Affordable access to recreation | “ “ |
| 16. FCM, Leadership in Climate Change | “ “ |

D. Motions and Staff Reports

Council then dealt with the following Resolution:

THAT Council address Agenda Item D.6, North East Grey Health Clinic Proposal at this time, unanimously Carried.

D.6 North East Grey Health Clinic (NEGHC) Proposal, FIS.09.73

Rob then clarified when the 2010 Budget was first being considered there was less information available and in considering the Staff Report, there would be no Budget impact in 2010.

Rob then summarized the Report, noting since a previous presentation on the Clinic, a revised Business Plan was completed and it was now requested the Town provide a \$350,000 grant from the working capital reserve and a no interest loan of \$420,000 to be paid back over five years.

Rob then noted it was proposed to establish the Clinic as a Municipal Capital Facility which would be tax-free, adding the Town would retain ownership of the land and if the Clinic failed, the facility would revert to the Town.

Councillor McGee then noted there had been previous consideration by Council of donating land for the clinic and now there will be no taxes paid as well as grant funding requested together an interest-free loan and Council is now considering significant financial exposure, adding these monies are not found in the current three year Budget process.

John further noted concern there had been no public meetings or input and we are now looking at significant expenditure increases over the next five years, further noting he understood the Clinic would only consider doctors with privileges at Meaford Hospital.

John then summarized by noting Council should seek public consultation, further consider impacts of financing and costs and consider alternate ownership options.

Rob then noted the working capital reserve would be reduced to \$850,000 from a recommended amount of \$1.1 million and decisions would have to be made as to how it would be topped up.

Councillor Martin then questioned if the Budget Impact information had been discussed with NEGHC, CAO Paul Graham replying the information had been recently discussed.

Council Kennedy then concurred with Councillor McGee's comments, adding other parts of the Town should be made aware of the funding proposal.

Councillor Gamble then noted we have a divided community in terms of hospital care being provided in both Meaford and Collingwood and questioned if Council would be expected to support other medical offices, adding Council should consult with all communities within the Town.

Deputy Mayor McKinlay noted the rules of the game are the hospitals where doctors have privileges promote clinics and he believed the current need for clinic facilities are in the Thornbury/Clarksburg/Camperdown area and in several years the need may be in Craighleith and he could support the proposed facility given that equal funding may be needed at another location over time.

Council then dealt with the following Resolution:

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

THAT Council receive Staff Report FIS.09.73, "North East Grey Health Clinic (NEGHC) Proposal" for consideration;

AND THAT the Mayor and Clerk are authorized to enter into an agreement with the NEGHC to provide financial assistance in the form of grants and loans for the construction of the Thornbury Medical Clinic.

In speaking to the Motion, Councillor McGee noted concern with a lack of public input and accountability and he would not support the Motion without involving the community in the decision-making of the Town, adding he would support a deferral pending a Public Meeting.

Duncan then noted Council has been promoting community engagement but there has been a great deal of public awareness of the clinic project.

Councillor Kennedy then noted there should be no question that Council supports the clinic proposal and while there may be a perception that the Collingwood-Stayner area has an excess of doctors and Thornbury a shortage, unless there was some kind of assurance that there would be efforts to recruit doctors regardless of where they had residency privileges, he would not support the Motion.

Mayor Anderson then noted there is a need for more doctors in the Meaford hospital which is so important to the Thornbury area and it will not survive unless we can place more doctors here. Ellen further noted there was a time consideration in moving forward with the project and its importance regarding support for Meaford General Hospital.

Ellen then noted support for a Public Meeting but did not believe there was time.

Councillor McGee noted he understands the need to move ahead and everyone knows the project will not move ahead without municipal funding but the matter

could still be reviewed with the public and Council could still vote before the end of January.

Ellen then asked about timing for a Public Meeting, Paul noting we were just coming to a Christmas break.

Council then concurred to hear Lynn Johnston of the NEGHC.

Lynn then reported a doctor was interviewed earlier this day and was awaiting the decision to be made at this meeting.

Councillor Martin noted he does not believe the community is divided on the issue and fundraising has been ongoing for some time, adding he believes the project will bring the community together. Michael further noted a site had been selected and the clinic represents efforts regarding strategic planning and economic development.

Michael then noted other municipalities have paid 100% of clinic costs, adding physician recruitment is not the only issue and the project should move ahead at this time.

Council then voted on the Resolution, Carried.

Mayor Anderson then retired from the meeting due to a personal matter, Deputy Mayor McKinlay then assuming the Chair.

D.1 Camperdown Water and Sewer Capital Charge By-laws, FIS.09.74

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT Council receive Staff Report FIS.09.74 "Camperdown Water and Sewer Capital Charge By-Laws" for information purposes, unanimously Carried.

D.2 Town Wide Development Charges – Commercial Rates, FIS.09.75

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT Council receive Staff Report FIS.09.75 "Town Wide Development Charges – Commercial Rates" for information purposes.

In speaking to the report and alternative calculation, Councillor McGee noted Council may be no further ahead if development charges are considered to be a deterrent to economic development.

Darcy then noted the Report follows earlier Council workshops and a full Report would be brought to Council early in 2010 for direction from Council in moving ahead with residential and non-residential development charges.

Councillor Martin then noted the additional Hemson Consulting information is important and Council should give the issue further consideration.

Councillor Gamble then noted Council has never really determined what should be covered by development charges over the next 20 years and he believes some of the items in the Background Study should be reconsidered and expectations of what dcs will cover be re-addressed.

Council then voted on the Resolution, unanimously Carried.

Council then dealt with the following Resolution:

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

THAT Council hold a further workshop to review the 2009 Development Charges Background Study, unanimously Carried.

D.3 Camperdown Sewer Servicing Contract 4918, EPW.09.121

Reg then reviewed the revised Report, now including a reference to authorize the Mayor and Clerk to execute documents related to settling the Drexler claim.

Moved by: Michael Martin Seconded by: John McGee

THAT Council approve increasing the Camperdown Sewer Servicing Contract No. 4918 by \$805,083.33 from \$7,796,753.50 to \$8,601,836.83 as outlined in Staff Report EPW.09.121 "Camperdown Sewer Servicing Contract No. 4918";

THAT Council approve the Mayor and Clerk to execute agreements associated with resolving Drexler Construction Ltd. claim regarding the Camperdown Sewer Servicing Contract No. 4918 upon the recommendation of the Director of Engineering and Public Works and the Town Solicitor, unanimously Carried.

D. 4 Snowmobile Land Use Agreement for the 2009/2010 Winter Season, EPW.09.122

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

THAT Council delegates to the Manager of Roads and Drainage the authority to execute Land Use Agreements with the local Snowmobile Clubs for the continued use of Municipal road allowances with special notice of the 9/10 Sideroad as described in Staff Report EPW.09.122.

In speaking to the Motion, Councillor Gamble questioned if the proposal had been discussed with residents fronting on the 9/10 sideroad, Jim McCannell reporting the the trail would be located on the unopened road allowance and it was expected Club members would approach the residents.

Council then voted on the Resolution, Carried.

D.5 Noise By-law Exemption – Highway 26 Beaver River Bridge Rehabilitation, EPW.09.120

Moved by: John McGee 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 pm and 7:00 am from December 2009 to February 2010 as outlined in Report EPW.09.120 "Beaver River Bridge Rehabilitation – Noise By-Law Exemption", Carried.

D.7 Heart and Stroke Foundation of Ontario – Request to Canvas

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

THAT Council has no objection to the Heart and Stroke Foundation of Ontario conducting a door to door canvas in The Blue Mountains during February 2010, it

being noted February is the month designated by the Heart and Stroke Foundation to increase public awareness and assist fundraising efforts in support of research and health promotion, unanimously Carried.

E. New and Unfinished Business

E.1 Grey County Council Update

Deputy Mayor McKinlay then reported on the election of new Grey County Warden Arlene Wright of the City of Owen Sound.

E.2 Notice of Motion

None

E.3 Additions to Agenda

None

E.4 Council / Staff Discussion

None

F. By-laws

F.1 Interim Control By-law Extension - Adult Entertainment Establishments and Drive-through Facilities

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT By-law No. 2009 - 83, being a By-law to amend Interim Control By-law No. 2009-09, Adult Entertainment Establishments and Drive-through Facilities, to extend the time in effect for an additional six (6) months, be hereby passed this fourteenth day of December, 2009, unanimously Carried.

F.2 Temporary Use Zoning By-law Amendment, David Camplin, Lot 25, Concession 7

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

THAT By-law No. 2009 - 84, being a By-law to permit the continuation of an existing garden suite for a maximum period of three years and to permit the temporary dwelling to be located closer to the street than the main building, be hereby passed this fourteenth day of December, 2009, unanimously Carried.

F.3 Amendment to Delegation by Council of Powers and Duties Policy

Moved by: Michael Martin Seconded by: John McGee

THAT By-law No. 2009 - 85, being a By-law to amend Corporate Policy POL.COR.07.04, Delegation by Council of Powers and Duties Policy, be hereby passed this fourteenth day of December, 2009, unanimously Carried.

F.4 Code of Conduct for Members of Council

Moved by: John McGee Seconded by: Michael Martin

THAT By-law No. 2009 - 86, being a By-law to adopt Corporate Policy POL.COR.07.07, Code of Conduct for Members of Council, be hereby passed this fourteenth day of December, 2009, unanimously Carried.

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest (A. Gibson, Sadler's Haulage, Miller Waste, M. Kennedy)

Reports List (Adopt)

3. Planning and Building Committee, December 7, 2009

Chair Martin then spoke to the Report with two issues requiring consideration by Council, being Recommendations 3b and 5b.

Michael then reviewed the Temporary Use By-law for Hummer Tours, part Lot 14, Concession 4, Shaun and Fawn Talbot, noting the Staff Recommendation to refuse the By-law was Lost at vote with four members in attendance.

Michael then noted there was a policy issue involved, David reporting Ministry of Agriculture, Food and Rural Affairs were considering the Provincial Policy Statement and whether the Agricultural or Rural designation would apply, the Rural less strict.

Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT Council refer Recommendation 3a and 3b of the December 7, 2009, Planning and Building Committee Report back to Committee pending a further Staff Report, unanimously Carried.

Councillor Kennedy then questioned if the use would continue, replying the use has been identified as not permitted and could be subject to prosecution.

Council then dealt with the following Resolution:

Moved by: Cameron Kennedy Seconded by: Michael Martin

THAT Council hear property owner Mark Bourbannais regarding the Temporary Use By-law, Carried.

Mark then thanked Council for the opportunity to speak, noting the Hummer Tour has no environmental issues as they have been addressed through an Environmental Impact Study at great expense. Mark further noted each tour is only on the property for five minutes, adding the tours are one of the most popular events in the Blue Mountain Village.

David then confirmed that Staff have reviewed the Environmental Impact Study.

Deputy Mayor McKinlay then suggested the applicant inquire as to when the matter might come back to the Planning and Building Committee, Councillor Martin clarifying the issue was the interpretation of the Provincial Policy Statement.

Councillor Martin then reviewed Recommendation 5a and 5b of the December 7, 2009, Planning and Building Committee Report regarding the Tyrolean Village Consent Applications and Zoning By-law Amendment.

Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: John McGee

THAT the Planning and Building Committee receive Planning Staff Report PL.09.135, "Application for Consent: B13, B14, B15, B16, B17, B18-2009 and Zoning By-law Amendment. Tyrolean Village Resorts Limited, Part of Lot 19, Concession 2, Town of The Blue Mountains"; and

THAT Council grant Application for Consent File Numbers B13, B14, B15, B16, B17, and B18-2009 each subject to the following conditions:

1. A Zoning By-law Amendment to rezone the severed and retained lands from the Development 'D' zone to the Residential 'R3-h' zone
2. That the owner make a cash payment for the hard costs of Town Wide Development Charges for the severed parcel.
3. That the owner make a cash payment in lieu of parkland in the amount of 5% of the value of the land to be conveyed with such value to be determined as of the day before the day of the approval of the consent by an accredited appraiser (AACI, P.App., CRA) with the Appraisal Institute of Canada.
4. The execution of an Agreement with the Town that would include, but not be limited to matters related to cost sharing for the proposed works for all benefitting lots, the construction of full municipal services to the satisfaction of the Town and the dedication of a 6.0 metre wide walkway block to the Town.

THAT Council grant a Zoning By-law Amendment to rezone the subject lands from the Development 'D' zone to the Residential 'R3-h' zone.

THAT Council authorize the Mayor and Clerk to execute a Development Agreement regarding the dedication of a walkway block and cost sharing for proposed works in a form approved by the Director of Planning & Building Services and the Town Solicitor.

In speaking to the Motion, Councillor Gamble clarified there is nothing in the proposed By-law regarding short term accommodation uses, Councillor Martin confirming same, adding the Interim Control By-law addressed any new sta uses, David confirming the proposed zoning regulations do not consider short term accommodation uses, pending any Ontario Municipal Board decision on the matter which might lead to reconsideration of the issue.

Council then voted on the Resolution, unanimously Carried.

Moved by: Michael Martin Seconded by: John McGee

THAT the balance of the December 7, 2009, Planning and Building Committee Report be approved together with the Recommendations contained therein, unanimously Carried.

Minutes List (Receive)

4. Affordable Housing Committee, September 17, October 22, 2009
5. Grey Saugeen Source Water Protection Committee, October 30, 2009
6. GSCA full meeting, November 12, 2009

7. NVCA Board Highlights, November 27, 2009

H. Notice of Meeting Dates

Council January 11, 25, February 8, 22, March 8, 22, April 12, 26, 2010
All Council meetings to be at the Library unless otherwise noted

Planning and Building Committee, Reports to January 11, February 1, 2010
Infrastructure and Recreation Committee, December 22, 2009
Finance and Administration Committee, December 15, 2009

I. Closed Session

Moved by: John McGee Seconded by: Cameron Kennedy

THAT with regard to subsection 239 of the *Municipal Act, 2001*, this Council do now move into closed session in order to address matters pertaining to a proposed or pending acquisition or disposition of land by the municipality or local board;

AND with regard to consideration of the Town property inventory;

AND with regard to personal matters about an identifiable individual, including Town or local board employees;

And with regard to employee relations, Carried.

Moved by: John McGee Seconded by: Michael Martin

THAT the Council meeting of December 14, 2009 shall extend past 11:00 pm if required, Carried.

Council moved into closed session at 10:54 pm.
Council moved into public session at 11:40 pm.

J. Confirmation By-law and Adjournment

Moved by: John McGee Seconded by: Michael Martin

THAT By-law No. 2009 - 87, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on December 14, 2009, be hereby enacted as passed this 14th day of December, 2009, Carried.

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

Moved by: Cameron Kennedy Seconded by: Michael Martin

THAT this Council does now adjourn at 11:43 p.m. to meet again January 11, 2010, 7:00 pm, L.E. Shore Library, or at the call of the Chair.

.....
Ellen Anderson, Mayor

.....
Stephen Keast, Clerk

