Minutes

The Blue Mountains Council Meeting

Meeting Date: **December 19, 2016**
Meeting Time: **6:00 p.m. Closed Session**
7:00 p.m. Council Meeting
Location: **Town Hall, Council Chambers**
Prepared by **Corrina Giles, Town Clerk**

A. Call to Order

Mayor John McKean called the meeting to order with all members in attendance.

Also in attendance were Acting CAO/Director of Community Services Shawn Everitt, Director of Planning & Development Services Michael Benner, Director of Infrastructure & Public Works Reg Russwurm, Director of Finance & IT Ruth Prince, Communication & Economic Development Coordinator Elizabeth Cornish, Fire Chief Rob Collins and Manager of Human Resources Jennifer Moreau.

- **Approval of Agenda**

Moved by: Michael Martin Seconded by: John McGee

THAT the Agenda of December 19, 2016 be approved as circulated, including any items added to the Agenda

Moved by: Michael Seguin Seconded by: Michael Martin

THAT the correspondence at Agenda item E.11, being correspondence from Ellen Anderson dated November 28, 2016 regarding payment of Councillor Seguin legal fees be struck from the record and removed from the Town website

Councillor Seguin requested a recorded vote:

Deputy Mayor Ardiel	Nay
Councillor Gamble	Nay
Councillor Halos	Nay
Councillor Martin	Yay
Councillor McGee	Nay
Councillor Seguin	Yay
Mayor McKean	Nay

The motion is Lost.

Council then voted on the approval of the Agenda, Carried.

- **Declaration of Pecuniary Interest and general nature thereof**

Mayor McKean declared a pecuniary interest with regards to Agenda Item F.1 Staff Report FAF.16.117 Integrity Commissioner Report on the Dismissal of a Complaint Alleging a Violation of the Code of Conduct for Members of Council, dated November 28, 2016 and Agenda item F.2 Staff Report FAF.16.118 Integrity Commissioner Report on the Dismissal of a Complaint Under the Code of Conduct for Members of Council, dated

November 29, 2016 and complaints against him, Agenda Item H.4 Zoning By-law and the proximity to his farm and Agenda Item L. Confirmation By-law.

Deputy Mayor Ardiel declared a pecuniary interest with regards to Agenda Item E.10 Kyle Oakley, President of Georgian Bay Fruit Growers and her family business interests.

B. Closed Session (6:00 pm)

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

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 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 OMB matters, Carried.

Council moved into closed session at 6:18 p.m.

Council rose from closed to public session at 6:58 p.m.

C. Call to Order (7:00 pm)

Council then paused for a Moment of Reflection

- **Adoption of Consent Agenda**

With the adoption of the Consent Agenda, all Recommendations found within previous Committee Reports or Minutes are then approved or received by Council, as noted. These Committee meetings are open to the public. The Consent Agenda content is available to the public when the Agenda is finalized but is not subject to discussion from the floor at this time, however, representations may be made at subsequent meetings on matters of interest.

Moved by: Michael Martin Seconded by: John McGee

THAT the Consent Agenda of December 19, 2016 be adopted as circulated, less any items requested for separate review and discussion, being:

- C.10.1 Sign By-law Review Committee Report dated November 7, 2016 as contained in the December 5, 2016 Committee Report at Agenda item G.3;
- B.2.6 Proposed Additions to the Agenda as contained in the December 14, 2016 Special Committee of the Whole Report at Agenda item G.5; and
- G.6 Georgian Trail Board of Management minutes dated October 4, 2016, Carried.

- **Previous Minutes**

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

THAT the Council minutes of Special Meeting of Council minutes of December 5, 2016 and December 12, 2016 be adopted as circulated, including any revisions to be made, Carried.

D. Deputations / Presentations / Public Meeting

Under the authority of the *Municipal Act, 2001* and in accordance with Ontario's *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), The Corporation of the Town of The Blue Mountains wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the Town's website and or/ made available to the public upon request.

D.1 Tom Strnad, Re: Patricia Drive Action Plan

Tom spoke regarding the flooding on Patricia Drive, noting that the drainage is failing on Patricia Drive. Tom noted that the flooding will not wait for a study to be completed, further noting that the flooding floods the streets and homes. Tom noted that he has been capturing what happens throughout the year, and noted that the water sits in the ditch in the winter and does not move. Tom noted that the culverts are higher than the lowest point in the ditch.

Tom requested that regular maintenance of the drainage on Patricia Drive be performed to help the failing system and allow the flow to move. Tom noted that the ditches need a back slope to prevent flooding into the front yards, and that standing water should be pumped from the ditches to prevent the annual spring flood.

Tom asked that in 2017 a drainage study be completed, and that the Town make a public statement about their commitment to build a drainage system on Patricia Drive.

Tom noted that residents are seeing insurance rates rising, because of insurance claims resulting from the failing infrastructure.

Tom noted that the current situation is not acceptable.

D.2 Candis McDonnell, Re: Permission for Business Sign

Candis spoke noting she is the owner of 45 Bruce Street which is at the corner of Louisa Street and Bruce Street. Candis noted that she is before Council this evening to request that her proposed sign placement be approved. Candis noted that it is not possible to place a sign on the building as it is a very windy corner. Candis noted that she has spoken with the Remax building owner.

Councillor Halos spoke thanking Candis for her deputation and questioned if a fascia sign could be installed on the side of the building. Candis noted that the sign would not be visible from some locations in the Town, further noting that the requested location is the most visual place for a sign.

Councillor McGee questioned if the banners block the view of her sign, and questioned if the banners could be moved further up the street, Shawn Everitt, Director of Community Services spoke in response noting yes the banners could be moved further up the street. Councillor McGee noted that this building could have signs on each side of the building.

Councillor Martin then questioned if the banners were removed, would Candis consider the placement of the sign on the side of the building. Candis spoke in response noting that no, she would like to place the sign in the location she requested.

E. Correspondence as previously circulated

THAT this Council does hereby receive the Correspondence of December 19, 2016 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.

Author **Recommendation / Actions**

E.1 Guy Caron, Member of Parliament
Re: Request for Support of Bill C-274 Transfer of Small Business, family farm or fishing operation

Moved by: Michael Seguin Seconded by: Gail Ardiel

THAT Council of the Town of The Blue Mountains supports the Private Member's Bill C-274: Transfer of small business, family farm or fishing operation, Carried.

E.2 AMO Re: Federal Infrastructure Phase 2 Incrementality Resolution

Moved by: Gail Ardiel Seconded by: Joe Halos

WHEREAS municipal governments' infrastructure is critical to our collective economic health;

WHEREAS stable, predictable and formula-based infrastructure funding allows municipal governments to plan and schedule investments in infrastructure;

WHEREAS Ontario municipal governments have asset management plans which set out a municipality's longer term capital plan which reflects the infrastructure priorities of these asset management plans; and

WHEREAS a federal incrementality rule interferes with municipal long-term infrastructure priorities and diminishes the value of municipal asset planning and management;

NOW, THEREFORE BE IT RESOLVED that the Town of The Blue Mountains calls on the federal government to provide long-term, predictable, and formula-based funding in its Phase 2 programs for municipal governments; and

BE IT RESOLVED that the Town of The Blue Mountains calls on the federal government to change incremental requirements in Phase 2 to recognize in Ontario that a municipal government' asset management plan meets a municipal incremental infrastructure requirement, Carried.

E.3 Bruce Power, Long Term Energy Plan
Re: Request for written submissions

Moved by: Joe Halos Seconded by: Michael Martin

THAT Council of the Town of The Blue Mountains receives the correspondence from Bruce Power, Long Term Energy Plan, for information, Carried.

E.4 Municipality of Meaford
Re: Request all Mutual Aid Partners in Grey County Fund and Participate in a Regional Fire Master Plan on the basis of closest hall response and potential for Shared services

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT Council of the Town of The Blue Mountains receives for information, correspondence from the Municipality of Meaford dated December 13, 2016 regarding a regional fire master plan, Carried. -

E.5 Nottawasaga Valley Conservation Authority See Agenda item F.8
Re: Request Mayor and Clerk to Execute NVCA/ Municipal Memorandum of Understanding to effect reduction of NVCA Board of Directors from 27 to 18

E.6 Ombudsman Ontario
Re: Response to Complaint received by Ombudsman regarding the Town's process for investigating a Complaint against a member of Council

Moved by: Michael Martin Seconded by: John McGee

THAT Council of the Town of The Blue Mountains acknowledges receipt of the correspondence from the Office of the Ontario Ombudsman dated November 30, 2016 regarding a complaint filed with the Office of the Ontario Ombudsman regarding the Town's process for investigating allegations that a councilor violated the Code of Conduct, Carried. -

E.7 Ontario Good Roads Association
Re: Report of OGRA Nominating Committee

Moved by: Gail Ardiel Seconded by: John McGee

THAT Council of the Town of The Blue Mountains receives the Report of the OGRA Nominating Committee from Ontario Good Roads Association dated November 28, 2016, Carried.

E.8 Roland Gosselin
Re: Comments on proposed Workplace Violence And Harassment Program

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

THAT Council of the Town of The Blue Mountains acknowledges receipt of the correspondence from Roland Gosselin dated November 30, 2016 regarding the Workplace Violence and Harassment Program, Carried. -

E.9 Grey County Re: Ontario OMB Review

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT Council of the Town of The Blue Mountains acknowledges receipt of the correspondence from Grey County to the Ministry of Municipal Affairs dated November 30, 2016 regarding the Ontario Municipal Board review, Carried. -

E.10 Kyle Oakley, President, Georgian Bay Fruit Growers Re: Request for repair or rebuild of Clendenan Bridge

Moved by: Joe Halos Seconded by: Michael Martin

THAT Council of the Town of The Blue Mountains acknowledges receipt of the correspondence from Kyle Oakley, President, Georgian Bay Fruit Growers Inc. regarding the repair or rebuilding of the Clendenan Dam bridge, Carried.

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

THAT Council of the Town of The Blue Mountains directs staff to respond to the correspondence from Kyle Oakley, President, Georgian Bay Fruit Growers Inc. regarding the repair or rebuilding of the Clendenan Dam bridge, with a copy provided to Council, Carried.

E.11 Ellen Anderson
Re: Payment of Councillor Seguin legal fees

Moved by: Michael Martin Seconded by: John McGee

THAT Council of the Town of The Blue Mountains acknowledges receipt of the correspondence from Ellen Anderson dated November 28, 2016 objecting to payment of Councillor Seguin's legal expenses incurred as a result of the sanctions placed against him by Town Council, Carried.

E.12 RealTerm Energy
Re: LAS-RealTerm Energy Streetlight Retrofit

Moved by: John McGee Seconded by: Gail Ardiel

THAT Council of the Town of The Blue Mountains acknowledges receipt of the correspondence from RealTerm Energy, Carried.

F. Motions and Staff Reports

F.1 Integrity Commissioner Report on the Dismissal of a Complaint Alleging a Violation of the Code of Conduct for Members of Council, dated November 28, 2016, FAF.16.117

Mayor McKean vacated the Council Chamber for Agenda item F.1 having earlier declared a pecuniary interest. Deputy Mayor Ardiel chaired this portion of the meeting.

Moved by: Joe Halos Seconded by: John McGee

THAT Council receive Staff Report FAF.16.117 "Integrity Commissioner Report on the Dismissal of a Complaint Alleging a Violation of the Code of Conduct for Members of Council, dated November 28, 2016";

AND THAT Council adopt the Integrity Commissioner's Report dated November 28, 2016 and finding that Mayor McKean did not breach the Code of Conduct.

Councillor Halos requested a recorded vote:

Deputy Mayor Ardiel	Yay
Councillor Gamble	Yay
Councillor Halos	Yay
Councillor Martin	Yay
Councillor McGee	Yay
Councillor Seguin	Nay

The motion is Carried.

F.2 Integrity Commissioner Report on the Dismissal of a Complaint Under the Code of Conduct for Members of Council, dated November 29, 2016, FAF.16.118

Mayor McKean vacated the Council Chamber for Agenda item F.2 having earlier declared a pecuniary interest. Deputy Mayor Ardiel chaired this portion of the meeting.

Moved by: Michael Martin Seconded by: Joe Halos

THAT Council receive Staff Report FAF.16.118 "Integrity Commissioner Report on the Dismissal of a Complaint Under the Code of Conduct for Members of Council, dated November 29, 2016".

Councillor Halos requested a recorded vote:

Deputy Mayor Ardiel	Yay
Councillor Gamble	Yay
Councillor Halos	Yay
Councillor Martin	Yay
Councillor McGee	Yay
Councillor Seguin	Nay

The motion is Carried.

F.3 Municipal Law Enforcement Officers Appointment By-law, PDS.16.161

Moved by: Gail Ardiel Seconded by: Joe Halos

THAT Council receive Staff Report PDS.16.161 "Municipal Law Enforcement Officers Appointment By-law: and

THAT Council enact an amendment to By-law No. 2008-92, as amended, being a By-law to appoint Municipal Law Enforcement Officers, so as to appoint additional persons as Municipal Law Enforcement Officers for the purposes of enforcing specific parking related by-laws of the municipality and delete Municipal Law Enforcement Officers who are no longer employed to enforce this by-law, Carried.

F.4 Amendment to By-law 2007-12, Parking on Privately Owned Lands By-law, PDS.16.160

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT Council receive Staff Report PDS.16.160 "Amendment to By-law 2007-12, Parking on Privately Owned Lands By-law; and

THAT Council enact the amendment to the by-law attached hereto, Carried.

F.5 Chair of the Finance, Administration, Enforcement and Fire Services portion of the 2017 Committee of the Whole meetings

Moved by: Gail Ardiel Seconded by: Michael Martin

THAT Councillor John McGee is appointed as the Chair of the Finance, Administration, Enforcement and Fire Services portion of the Committee of the Whole meetings from January, 2017 to the end of December, 2017, Carried.

F.6 Chair of the Community Services and Infrastructure and Public Works portion of the 2017 Committee of the Whole meetings

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

THAT Councillor Joe Halos is appointed as the Chair of the Community Services and Infrastructure and Public Works portion of the Committee of the Whole meetings from January, 2017 to the end of December, 2017, Carried.

F.7 Chair of the Planning and Development Services portion of the 2017 Committee of the Whole meetings

Moved by: Joe Halos Seconded by: John McGee

THAT Deputy Mayor Gail Ardiel is appointed as the Chair of the Planning and Development Services portion of the Committee of the Whole meetings from January, 2017 to the end of December, 2017, Carried.

F.8 Authorization to Execute Nottawasaga Valley Conservation Authority Municipal Memorandum of Understanding (see correspondence at Agenda item E.5)

Moved by: Gail Ardiel Seconded by: John McGee

THAT Council acknowledge receipt of the November 30, 2016 correspondence from Nottawasaga Valley Conservation Authority;

AND THAT Council authorize the Mayor and Clerk to execute the NVCA/Municipal Memorandum of Agreement to effect the reduction of the NVA Board of Directors from 27 to 18, Carried.

G. Consent Agenda

Accounts

G.1 Accounts
G.2 Invoices separated for pecuniary interest (none)

Reports List (Adopt)

G.3 Committee of the Whole Report, dated December 5, 2016

C.10.1 Sign By-law Review Committee Report, dated November 7, 2016

Moved by: Michael Seguin Seconded by: Michael Martin

THAT Council receive Staff Report PDS.16.136, Niche Living, 45 Bruce Street South, Sign By-law Variance; and

THAT Council approve the Niche Living Sign By-law variance request as follows:

To permit one (1) ground within the 3 metre setback from the property line whereas Section 4.04(3a) of Sign By-law No. 2001-57, as amended, requires a minimum 3 metre setback from the property line for ground signs;

To permit a maximum sign area of 2.2 square metres whereas Section 4.04(2a) of Sign By-law No 2001-57, as amended, requires a maximum sign area of 2.0 metres, Carried.

G.4 Special Committee of the Whole – 2017 Budget, dated December 12, 2016

G.5 Special Committee of the Whole – 2017 Budget, dated December 14, 2016

B.2.6 Proposed Additions to the Budget

Moved by: Michael Seguin Seconded by: John McGee

THAT Council remove the addition of $240,000 for capital reserves for the Elma Street Reconstruction Project in the final draft 2017 Proposed Budget, Lost.

Moved by: John McGee Seconded by: Gail Ardiel

THAT Council approves in its entirety, Agenda item B.2.6 Proposed Additions to the Budget as contained in the Special Committee of the Whole Report dated December 14, 2016, Carried.

Minutes List (Receive)

G.6 Georgian Trail Board of Management, October 4, 2016

Moved by: Joe Halos Seconded by: R. J. Gamble

THAT Council receive the Georgian Trail Board of Management minutes dated October 4, 2016, Carried.

G.7 Sign By-Law Committee Minutes, November 7, 2016
G.8 Public Art Committee Minutes, November 10, 2016
G.9 NVCA Board Meeting Highlights, November 25, 2016

H. By-laws

H.1 Being a By-law to Regulate the Size, Use, Location and Maintenance of Signs within The Blue Mountains

Moved by: Michael Martin Seconded by: John McGee

THAT By-law No. 2016-71 being a By-law to regulate the size, use, location and maintenance of signs within the Town of The Blue Mountains be passed this 19th day of December 2016.

H.2 By-law to Amend By-law No. 2008-92, as amended, being a By-law to appoint Municipal Law Enforcement Officers

Moved by: Michael Martin Seconded by: Michael Seguin

THAT By-law No. 2016-72 being a By-law to amend By-law No. 2008-92, as amended, being a By-law to appoint Municipal Law Enforcement Officers be passed this 19th day of December 2016, Carried.

H.3 By-law to Amend By-law No. 2007-12, as amended, to Regulate or Prohibit the Parking or Leaving of a Vehicle on Privately-owned Lands

Moved by: Michael Martin Seconded by: Joe Halos

THAT By-law No. 2016-73 being a By-law to amend By-Law No. 2007-12, as amended to regulate or prohibit the parking or leaving of a vehicle on privately-owned lands without the consent of the owner of the land be passed this 19th day of December 2016, Carried.

H.4 By-law to Amend Zoning By-law No. 83-40, Township of Collingwood Zoning By-law, as it relates to Concession 6, Part of Lot 5 and Part of Lot 6

Mayor McKean vacated the Council Chamber having earlier declared a pecuniary interest regarding Agenda item H.4. Deputy Mayor Ardiel chaired this portion of the meeting.

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

THAT By-law No. 2016-74 being a By-law to amend Zoning By-law No. 83-40 which may be cited as the Township of Collingwood Zoning By-law as it relates to Concession 6, Part of Lot 5 and Part of Lot 6 to change the zoning symbol from the General Rural (A1) and Hazard (H) to General Rural Exception A1-272, General Rural (A1), Hazard (H) and General Rural with a Holding Provision (A1-h) be passed this 19th day of December 2016, Carried.

H.5 By-law to Amend Zoning By-law No. 83-40, Township of Collingwood Zoning By-law, as it relates to Plan 807, Lot 37

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT By-law No. 2016-75 being a By-law to amend Zoning By-law 83-40 which may be cited as "Township of Collingwood Zoning By-law" as it relates to Plan 807, Lot 37, Town of The Blue Mountains from the Residential Third Density (R3) Zone to the Residential Third Density Exception 271 (R3-271) Zone, and by adding subsection 271, be passed this 19th day of December 2016, Carried.

H.6 By-law to Appoint a Deputy Fire Chief

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

THAT By-law No. 2016-76 being a By-law to Appoint a Deputy Fire Chief be passed this 19th day of December, 2016, Carried.

I. New and Unfinished Business

I.1 Grey County Council Update (JMcK, GA)

Deputy Mayor Ardiel noted that the County will commence a Committee of the Whole system in 2017. Gail noted that the Ontario Small Urban Municipalities conference is being hosted at Blue Mountain Village this year. Gail noted that guest speakers and exhibitors are being lined up for the conference.

I.2 Notice of Motion (Council)

None

I.3 Additions to Agenda (Staff)

I.3.1 Councillor McGee Motion, further to Agenda items F.1 and F.2

Moved by: John McGee Seconded by: Michael Martin

THAT Council direct staff to address the Integrity Commissioners recommendations in staff report "FAF.16.117 Integrity Commissioner Report on the Dismissal of a Complaint Alleging a Violation of the Code of Conduct for Members of Council, dated November 28, 2016" and "FAF.16.118 Integrity Commissioner Report on the Dismissal of a Complaint Under the Code of Conduct for Members of Council dated November 29, 2016", Carried.

I.4 Staff Discussion

None

J. Notice of Meeting Dates

Committee of the Whole Meeting, January 9, 2017
Town Hall, Council Chambers

Council Meeting, January 23, 2017
Town Hall, Council Chambers

K. Closed Session

Moved by: Michael Martin 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 municipal or local board employees and with regard to personnel matters, Carried.

Council moved into closed session at 9:00 p.m.

Council rose from closed to public session at 9:40 p.m.

L. Confirmation By-law and Adjournment

Mayor John McKean vacated the Council chambers having earlier declared a pecuniary interest. Deputy Mayor Ardiel chaired this portion of the meeting.

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

THAT By-law No. 2016 - 77, being a By-law to confirm proceedings of the Council of The Corporation of the Town of The Blue Mountains on December 19, 2016, be hereby enacted as passed this 19th day of December, 2016, Carried.

Moved by: Michael Martin Seconded by: John McGee

THAT this Council does now adjourn at 9:41 p.m. to meet again January 23, 2017, Town Hall, Council Chambers, or at the call of the Chair, Carried.

_____
John McKean, Mayor

_____
Corrina Giles, Town Clerk