

Minutes - The Blue Mountains Council Meeting



MEETING DATE: December 22, 2008

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 Councillor Martin, absent due to a previous commitment.
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Engineering and Public Works Reg Russwurm, Director of Planning Peter Tollefsen, Deputy Treasurer Liz Thompson, Human Resources Manager Tracey McKenna, Communications and Economic Development Coordinator Lisa Kidd, Manager of Water and Wastewater Services John Caswell, Director of Building and By-Law Enforcement David Finbow.

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

- Approval of Agenda:

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

THAT the Agenda of December 22, 2008 be approved as circulated, including any items added to the Agenda, Carried.

The Clerk then noted it was proposed to consider Agenda Items D.7, F.6 and F.7, all relating to OMERS participation, at the end of the public session of the meeting to allow Council time to review revised documents.

- Councillor Martin then attended the meeting, as did Santa Claus to wish Council a merry and joyous Christmas season.
- 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 daughter and Councillor McKean with respect to Accounts, Agenda Item G.2 and a cheque payable to his place of employment and Councillor Martin with respect to Agenda Items D.5, F.2 and F.5, Peaks Bay and Lora Bay Corporation and occasional employment of his spouse.
- Adoption of Consent Agenda

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

THAT the Consent Agenda of December 22, 2008 be adopted as circulated save the Finance and Administration Committee Report of December 16, 2008, requested for separate review and discussion, Carried.

- Previous Minutes

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

THAT the Council minutes of December 8 and Planning Council minutes of December 1, 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

None

C. Correspondence as previously circulated

Deputy Mayor McKinlay then spoke to Item C.6, Grey Bruce Health Unit and snowblower safety, noting the root cause of snowblower injuries may be attempts to dislodge unsolicited flyers and newspapers placed in driveways. Duncan further noted he had received several complaints this season from snowblower operators regarding the dropped off newspapers.

Council then dealt with the following Resolution:

Moved by: John McGee Seconded by: John McKean

THAT this Council does hereby receive the Correspondence of December 22, 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 Greater Collingwood Small Business Enterprise Centre Advisory Committee, CEDC.08.22

Lisa then reviewed the Report, noting a representative from The Blue Mountains had been requested to sit on the Committee.

Deputy Mayor McKinlay questioned similarities between this Committee and Economic Development Strategy discussions between Grey and Bruce Counties, Lisa noting they were different entities, the Collingwood Centre being a small business service outlet, the County group being a steering committee to undertake various economic development strategies.

Lisa noted the Collingwood name was previously requested for reconsideration which did not appear to have occurred, Mayor Anderson noting The Blue Mountains did not have a member present at the meeting.

Councillor McKean noted there was also a request for \$2,500.00 in funding for the program and perhaps Council should consider funding prior to a member appointment.

Councillor Martin noted Council considered this matter some months ago and the current name does nothing for recognition of The Blue Mountains, the Georgian Triangle representing a regional entity. Michael further noted the Province designated the Enterprise Centre without any consideration of regional boundaries.

Councillor McGee then noted Council could either not participate or appoint a member with a clear mandate to pursue a name change with participation to cease if the name remained.

Duncan noted if the Centre has any value to our small businesses perhaps Council should participate, Councillor Gamble volunteering for a six month period and then Council could determine if we wish to continue.

Councillor Kennedy then questioned if a member is appointed would we be committing to funding, Lisa replying the funding request would be a separate consideration through the Finance and Administration Committee.

Mayor Anderson then noted she would like the Town to participate in the spirit of joint service boards.

Council then dealt with the following Resolution:

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

THAT Council appoint Councillor Gamble to represent The Blue Mountains on the Greater Collingwood Small Business Enterprise Centre Advisory Committee, with Mayor Anderson as an alternate, Carried.

D.2 Economic Development Strategy Review Committee, CEDC.08.23

Lisa then reviewed the Report, noting five responses to the RFP have been received.

Council then dealt with the following Resolution:

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

THAT Council appoint Mayor Anderson to be on the Review Committee to evaluate submissions from Firms for the provision of consulting services to assist in the development of an Economic Development Strategy and Action Plan.

In speaking to the Motion, Councillor Gamble noted the Budge Impact, Lisa noting \$50,000.00 had been earmarked for the Action Plan preparation with other funding to be considered for implementation, a portion of the Plan funding to come from development charges.

Bob then noted concern with overdrawn development charge accounts.

CAO Paul Graham then clarified the Strategy was included in the approved 2008 Budget and is now being rolled over to 2009, with \$20,000.00 to be considered during the 2010 Budget process for implementation.

Council then voted on the Resolution, Carried.

D.3 Amendment to By-law No. 2003-11 – Parking By-law, SRB.08.65

David then reviewed the Report, noting it is now proposed to designate both sides of Anne Heggveit Drive as No Parking.

Council then dealt with the following Resolution:

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

THAT this Council receive Staff Report SRB.08.65 and enact the amendment to the Parking By-law attached hereto, Carried.

D.4 Community Improvement Plan, PL.08.132

Peter then reviewed the Report, noting a Council representative was sought for the Steering Committee.

Council then dealt with the following Resolution:

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

THAT Council appoint Councillor McGee to be on the Steering Committee for the Community Improvement Plan, Carried.

D.5 Application for Zoning By-law Amendment to remove Holding ‘-h’ Symbol –; Peaks Bay - Phase 1, PL.08.129

Peter then reviewed the Report, noting the plan of subdivision was now registered.

Council then dealt with the following Resolution:

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

THAT Council does receive Planning Staff Report PL.08.129, “Application for Zoning By-law Amendment to remove Holding ‘-h’ Symbol –; Peaks Bay - Phase 1; Lots 1 to 8 and 19 to 24, Plan 16M-23; Part Lots 26, Concession 5; The Blue Mountains”; and

THAT Planning Staff supports a Zoning By-law Amendment to remove the Holding ‘-h’ symbol for a portion of Phase 1 (14 single detached dwelling units), comprised of Lots 1 to 8 and 19 to 24, Plan 16M-23, Carried.

NOTE: Councillor Martin declared a pecuniary interest and did not take part in related discussion or voting.

D.6 Application for Amending Agreement, Siljon Investments Inc. (Far Hills Phase 1), PL.08.133

Peter then reviewed the Report, noting the amendment would update an existing Agreement to current Town standards.

Peter then noted the amendment would allow sales to proceed, David noting the amended Agreement in and of itself would not allow occupancy.

Council then dealt with the following Resolution:

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

THAT Council does receive Planning Staff Report PL.08.133, “Application for Amending Agreement, Siljon Investments Inc. (Far Hills Phase 1), Park Lot 11

Alfred Street NE, Park Lots 11 and 12 SW Alice Street, and Park Lot 12 Alfred Street NE, Town of The Blue Mountains”;

AND THAT Council authorize the Mayor and Clerk to execute an Amending Agreement to the executed Site Plan Agreement dated October 6, 2005, in a form approved by Town Staff and the Town Solicitor, Carried.

D.8 Delegation Policy Amendment, A.08.16

The Clerk then reviewed the Report, noting the addition of the delegated power to the Delegation Policy was essentially a housekeeping matter.

Council then dealt with the following Resolution:

Moved by: Cameron Kennedy Seconded by: John McKean

THAT Council receive Report A.08.16, “Delegation Policy Amendment” and enact a By-law so as to amend Corporate Policy COR.POL.07.04, Delegation by Council of Powers and Duties, with the addition of a previously delegated power and duty regarding Work on Shoreland Permit Applications that was inadvertently omitted from said Policy, Carried.

D.9 Grey Bruce Heart & Stroke Foundation, Request to Canvas

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

THAT Council has no objection to the Grey Bruce Heart & Stroke Foundation request to canvas within The Blue Mountains during Heart Month, February 2009, Carried.

E. New and Unfinished Business

E.1 Grey County Council Update

Councillor Martin then noted Grey County previously funded the Georgian Triangle Tourist Association and no longer did and questioned if there might be any consideration of funding in the future.

Deputy Mayor McKinlay noted he was unsure of the history but there is a new emphasis on tourism promotion in Grey County through Bryan Plumstead with a lot of cooperative work ongoing with regional efforts in tourism encouraged.

Michael then noted he would request Grey County consider GTTA funding, Mayor Anderson requesting correspondence be forwarded so the request could become part of the County Budget process.

Councillor Kennedy then questioned if the County provides funding to the Owen Sound Airport, Duncan noting he was unsure but would investigate and report back.

Mayor Anderson then reported on a recent meeting of area Mayors with the Ministers of Environment, Finance and Municipal Affairs and Housing regarding wind turbines and the planning process.

Ellen then reported on a recent meeting of the Great Lakes St. Lawrence Cities Initiative.

Duncan then noted Grey County Staff wished to thank the CAO and Financial Services Staff for assistance in providing municipal insurance coverage information.

E.2 AMO Board of Directors Update

None

E.3 Notice of Motion

Councillor Martin then noted the current meeting minutes format do not indicate how individual members vote or if there is any opposition to a Resolution that was passed.

Mayor Anderson then noted further indication of voting may approach a recorded vote, Michael noting the Head of Council would have to vote if a recorded vote is requested.

Councillor Kennedy then noted the concern may be more of how the media reports on matters under consideration by Council.

Councillor McKean then reported the Nottawasaga Valley Conservation Authority shows votes as Unanimous where there was no opposition, votes shown as Carried if no unanimous to differentiate, the Clerk to review the matter.

E.4 Additions to Agenda

None

F. By-laws

F.1 Parking By-law Amendment (Anne Heggveit Drive)

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

THAT By-law No. 2008 - 117, being a By-law to regulate parking of vehicles on both sides and full length of Anne Heggveit Drive, be hereby enacted this twenty-second day of December, 2008, Carried.

F.2 Amendment to By-law No. 2001 – 88 – Fire Route By-law

Moved by: John McKean Seconded by: Cameron Kennedy

THAT By-law No. 2008 - 118, being a By-law to amend By-law No. 2001-88 to establish certain fire routes (Keeper's Cove, Lora Bay Phase 3), be hereby enacted this twenty-second day of December, 2008, Carried.

NOTE: Councillor Martin declared a pecuniary interest and did not take part in related discussion or voting.

F.3 Amendment to By-law No. 2001 – 88 – Fire Route By-law

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

THAT By-law No. 2008 - 119, being a By-law to amend By-law No. 2001-88 to establish certain fire routes (Private road extending north from Anne Heggveit Drive), be hereby enacted this twenty-second day of December, 2008.

F.4 Appointment of a Property Standards Officer – Brenda Hall

Moved by: John McKean Seconded by: John McGee

THAT By-law No. 2008 - 120, being a By-law to appoint Brenda Hall as Property Standards Officer for the purposes of enforcing By-law No. 2002-18, be hereby enacted this twenty-second day of December, 2008, Carried.

F.5 Peaks Bay Removal of Holding “-h” Symbol

Moved by: Cameron Kennedy Seconded by: John McGee

THAT By-law No. 2008 - 121, being a Zoning By-law Amendment to remove the Holding ‘-h’ symbol for a portion of Phase 1 (14 single detached dwelling units), comprised of Lots 1 to 8 and 19 to 24, Plan 16M-23, be hereby enacted this twenty-second day of December, 2008.

In speaking to the Motion, Councillor Gamble questioned access to the internal lots, Peter noting access will be via an internal road opposite Peaks Road, a temporary construction entrance and road now located.

Council then voted on the Resolution, Carried.

NOTE: Councillor Martin declared a pecuniary interest and did not take part in related discussion or voting.

F.8 Amendment to Delegation Policy

Moved by: John McKean Seconded by: John McGee

THAT By-law No. 2008 - 124, being a By-law to amend Corporate Policy COR.POL.07.04, Delegation by Council of Powers and Duties, be hereby enacted this twenty-second day of December, 2008, Carried.

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest (A. Gibson, E.C. King, M. Kennedy)

Reports List (Adopt)

3. Finance and Administration Committee, December 16, 2008

Committee Chair Gamble then reviewed the Report, noting the status of Current Value Assessment for ski resort lands, a revised assessment having been sent out following the initial 2008 CVA notice.

Bob then noted concern with increased taxation on the commercial ski resort lands which serve as a significant employer and tourism attraction within The Blue Mountains.

Mayor Anderson then questioned if there was anything Council should be doing, Bob noting it would be up to property owners to request reconsideration or appeal.

CAO Paul Graham then noted there is increasing concern with assessment levels and Council may consider support of AMO's efforts to address the assessment imbalance.

Councillor Kennedy then noted Council should consider the issue in support of ski resort operators to protect the viability of the industry.

Bob then reviewed the Town's position with regard to assuming septic system installation approvals beginning in 2010.

Bob then reviewed the Building Permit statistics through November, noting building activity was down significantly.

Bob then reviewed Town capital expenditures to date.

Council then dealt with the following Resolution:

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

THAT the Finance and Administration Committee Report dated December 16, 2008 be hereby adopted, including the Recommendations contained therein.

In speaking to the Motion, Councillor Martin cautioned Council to tread carefully on the property assessment issue because when one property class was reduced it increases taxation loads on other property classes.

Council then voted on the Resolution, Carried.

Minutes List (Receive)

4. NVCA Board Meeting Highlights, November 28, 2008

H. Next Meeting Date(s)

Council January 12, 26, 2009, February 9, 23, March 9, 23, April 15 (Wed), 2009

Planning Council January 19, February 2, March 2, April 6, 2009

All Council meetings to be at the Library unless otherwise noted

Engineering and Public Works Committee, January 13, 2008

Finance and Administration Committee, January 20, 2008

Recreation Committee, January 8, 2009

D.7 Participation in Ontario Municipal Employee Retirement System and RRSP, HR.08.01

Tracey then distributed the revised F.7 Employees Participation By-law and Council reviewed the document. Tracey then reviewed the Report and Council considered the F.6 Head of Council and Council Participation By-law.

Councillor Kennedy then questioned start dates for OMERS participation, Tracey noting January 1, 2009.

Councillor McKean then questioned if participation cost was based on a percentage of salary, Tracey replying yes, 6.5% of annual salary.

John then questioned if this would be a burden on taxpayers, Liz noting Council and the Town would each pay a 6.5% share of participation costs.

Councillor Martin then questioned the separation of Head of Council and Council, Tracey noting the differentiation was contained in OMERS legislation.

Mayor Anderson then noted Grey County transferred to OMERS in 2008.

Tracey then clarified the Head of Council and Council can convert to OMERS but Council could not if the Head chose not to participate.

Michael then noted Council participation in OMERS originated in municipalities with full-time Council positions and it may not be appropriate for a rural type municipality.

Deputy Mayor McKinlay then noted Council remuneration was intended to be attractive enough to allow people to participate in Council without suffering a hardship to do so, essentially a revenue-neutral situation.

Councillor McGee then noted the two issues were participation by employees as well as Council and questioned if the Council consideration could be considered at a later date with additional information available.

Michael noted the issue needs to be further debated as membership in OMERS at this time would bind future Councils, Tracey noting if the current Council opted into OMERS the Town would have to remain.

Ellen then noted OMERS participation was an option to make Council positions more attractive, given the increasing workload and time constrictions.

Paul then noted OMERS did not request the Council By-law, rather it was a Staff initiative and there was no urgency with the Council position.

Cam then concurred in making the position of Councillor more attractive for future Councils.

Ellen then noted the matter could be brought forward in the new year during 2009 Budget deliberations, Councillor McGee noting Council participation in OMERS is part of the overall remuneration package and he would prefer to deal with the whole issue.

Council then dealt with the following Resolutions:

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

THAT the matter of Head of Council and Council participation in OMERS be referred back to Staff for further review and information, Carried.

Tracey then reviewed the Employee Participation By-law, Councillor McGee questioning if the Town and OMERS lawyers had reviewed the By-law, Tracey replying yes.

Moved by: Michale Martin Seconded by: John McKean

THAT Council receive Staff Report HR.08.01, "Participation in Ontario Municipal Employee Retirement System and RRSP" for information purposes and;

THAT Council enact a By-law to authorize participation of Employees in the OMERS primary pension plan and the retirement compensation arrangement providing benefits for members and former members of the primary pension plan in respect of identified employees, Carried.

F.7 Participation in Ontario Municipal Employee Retirement System (Staff)

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT By-law No. 2008 - 123, being a By-law to authorize participation of Employees in the OMERS primary pension plan and the retirement compensation arrangement providing benefits for members and former members of the primary pension plan in respect of identified employees, be hereby enacted this twenty-second day of December, 2008, Carried.

I. Closed Session

Moved by: Cameron Kennedy 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 litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;

AND with regard to a Statement of Claim filed by Drexler Construction with regard to the Camperdown servicing project, Carried.

Council moved into closed session at 8:46 p.m.
Council moved into public session at 9:05 pm.

Councillor McGee then recommended Council retain solicitors Aird & Berlis to respond to the filing of a Statement of Claim as they were familiar with the file from working on negotiations to date, Council concurring.

Council then dealt with the following Resolution:

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

THAT Council direct Staff to retain Aird & Berlis LLP to provide legal services in defence of the claims made against the Town of The Blue Mountains, Carried.

J. Confirmation By-law and Adjournment

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

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

22, 2008, be hereby enacted as passed this twenty-second day of December, 2008, Carried.

NOTE: Mayor Anderson and Councillors Kennedy, McKean and Martin 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 9:08 p.m. to meet again January 12, 2009, 7:00 pm, L.E. Shore Library, or at the call of the Chair, Carried.

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Ellen Anderson, Mayor

.....
Stephen Keast, Clerk