

MINUTES PLANNING & BUILDING COMMITTEE



MEETING DATE: November 16, 2011

MEETING TIME: 1:30 p.m.

LOCATION: The Blue Mountains Council Chambers – 32 Mill Street

PREPARED BY: Sharon Long, Administrative Assistant

A. Call to Order

Chair Michael Martin called the meeting to order at 2:00 p.m. with designated Committee members Councillor Gail Ardiel and Councillor Bob Gamble in attendance. Councillor John McKean, Councillor Joe Halos and Mayor Ellen Anderson were absent due to a previous commitment. Duncan McKinlay was sick.

Also in attendance were Troy Speck, CAO, David Finbow, Director, Planning & Building Services and Greg Miller, Manager, Building & Building/CBO.

- Approval of Agenda

Moved by: R. J. Gamble

Seconded by: Gail Ardiel

THAT the Agenda of November 16, 2011 be approved as circulated, including any items added to the Agenda, **CARRIED**

- Declaration of Pecuniary Interest – None at this time.

B. Public Meetings - 7:00 p.m.

N/A

C. Deputations/Presentations

N/A

D. Staff Reports as circulated

D.1 Service Delivery Review – Planning & Building Services – PL.11.135 DF

Director Planning & Building Services, David Finbow outlined the budget process and the Service Delivery Reviews for each department.

David confirmed that Council is looking for a base budget + 2% increase. Enhancement reports are provided to identify areas for new services. David confirmed that Short Term Accommodation is an enhancement report which was outlined in the staff report to Planning & Building Committee on November 7, 2011.

David confirmed that Change Papers discussed today are items that the Planning & Building Committee has given staff direction on with respect to services. Staff has tried to capture comments by the committee and have brought this together in one report. David advised that he will go through each Change Paper for discussion and changes but will not be going into detail with respect to the past reports that the Committee has already received. During budget process, the Committee chair will identify issues out of the Service Delivery Review for Council consideration.

Committee of Adjustment – David confirmed that the Committee of Adjustment was formed about 7 years ago with 3 public members. David outlined the costs for 2011 in the total amount of \$6,100.00. David noted that expenses of \$1,000.00 would still continue if the Planning & Building Committee were to deal with this through their Committee. This amount covers items such as mileage, postage and training.

The Change Paper indicates that if Council determines that they want to continue with the Committee of Adjustment with members of Council, there is a potentially saving of \$6,100.00.

Councillor Bob Gamble questioned if there is a reason why this Committee sits in the evening and not during business hours.

David confirmed the Committee of Adjustments meets at 5:30 p.m. to make it more available to the public. David advised that staff would prefer the meetings be held during regular business hours. David advised that often times on a Minor Variance Application it is the homeowner who appears before the Committee of Adjustment and questioned if they can attend during work hours. David confirmed that the Town of Collingwood Committee of Adjustments starts at 4:00 p.m.

Councillor Gail Ardiel questioned if the Town of Collingwood was a public Committee or a Council Committee. David confirmed they had a 5 member but sit as a Committee of 4. David confirmed that their Committee receives the same compensation as we currently pay. David confirmed that the Town of Collingwood Committee of Adjustment is more active in light of their Official Plan & Zoning By-law.

Gail confirmed that she has no problem paying for training.

David advised that Council will need to reflect on the community involvement, community experience and professional experience. Currently the Committee of Adjustment consists of a retired architect, retired lawyer, municipal clerk and former member of council and a practicing lawyer.

Gail confirmed that Council previously went with the Committee of Adjustment due to workloads of Council at that time and suggested a change of meeting hours to 4:00 p.m. to eliminate staff overtime.

Councillor Michael Martin noted that Council time is important and suggested this should be a policy decision for Council.

Moved by: Gail Ardiel

Seconded by: R. J. Gamble

That the appointment to Committee of Adjustment be forwarded to Council for their consideration, **CARRIED**

David confirmed that he met with the Committee of Adjustment in October and made the members aware that he would be bringing this item forward to Planning & Building Committee for discussion.

Niagara Escarpment Commission – Provision of Comments on Development Permit Applications

Director Planning & Building Services, David Finbow confirmed that we currently received 10 to 12 Niagara Escarpment Commission Development Permit Applications per year. The comments provided back to the Niagara Escarpment Commission are comprehensive through a staff report. David advised that the time is outlined through this change paper at 3 hours of staff time. There are some instances where there is more time spent and some instances there is less time spent.

David advised that he spoke to the Niagara Escarpment Commission with respect to a precedent and they confirmed that Caledon is charging \$300.00 to provide comments on the Development Permit Applications and Caledon is collecting their fee on their own as the Niagara Escarpment Commission will not collect fees. David was advised that Halton Hills looked into charging for comments but did not pursue this any further.

David confirmed that Grey Sauble Conservation Authority does charge a fee for their services on our applications. We do collect their fee and forward it to them.

David advised that he talked to the Niagara Escarpment Commission about submitting a checklist report on applications and was advised that they were expecting a more detailed analysis that we are currently providing.

David advised that if it is the wish of the Committee for us to recover these costs for provision of comments, he will have more work to do.

Councillor Bob Gamble asked about the process of collecting money and if the applicant would send cheque payable to the Town or to the Niagara Escarpment Commission when they file their application.

David confirmed that Caledon collects their own fees and that the Niagara Escarpment Commission does not want to collect fees for municipalities. They will simply provide information to the applicant and advise the applicant they will have to pay a fee to the municipality before the Town will provide comments. Niagara Escarpment Commission will not make a decision on Development Permit Application until municipal comments are received by them.

Councillor Gail Ardiel felt there would only be a small amount of revenue generated through this process and felt we had enough little fees. Gail indicated as there is only one town doing it that we remain at status quo for this.

Councillor Michael Martin felt that we should recover our costs and he would support this.

Councillor Bob Gamble confirmed that he would support a fee for this.

Moved by: R. J. Gamble

Seconded by: Michael Martin

That the Planning & Building Committee would support a fee of \$250.00 for providing comments to the Niagara Escarpment Commission on their Development Permit Applications.

David confirmed that he will have to work with Financial Services to arrive at a fee for these applications as the municipality is only allowed to charge out for a cost recovery fee. David suggested that the motion be changed to charging a fee for comments to the Niagara Escarpment Commission on their Development Permit Applications.

Bob Gamble concurred with this as long as we look at all costs to arrive at the fee.

David advised when he looked at a fee for these applications he took into consideration pay, benefits + 30%.

CARRIED

Licencing and Dogs at Large Enforcement

Director Planning & Building Services David Finbow advised that the Committee questioned why are we licencing dogs due to micro chips and tags provided by veterinary offices and questioned if our licencing was redundant because of this. It is the opinion that licencing was for control so that the animals are returned to rightful owner.

David confirmed that dog at large enforcement is a value to the community. David confirmed we did receive 65 complaints year to date for dogs at large so there is an interest in the community for this service.

He received concerns from Staff about the elementary school if there was a lack of enforcement. David confirmed we do receive complaints and enforce the by-law either after hours or on weekends. The revenue associated with this service is offsetting of costs. David advised that people who do have licences are not problematic and that generally complaints are for dogs that are not licenced.

David advised that through licencing there is a rabies control as dogs are not licenced unless their shots are up to date.

Councillor Bob Gamble is in favour of continuing this service and feels that the general public is aware of licencing of animals and feels there is a better control of animals.

photos. Greg is also looking into how other municipalities are handling these types of By-laws.

Councillor Michael Martin asked if the long grass and noxious weeds are separated. Greg advised that it is typically long grass complaints that are received but through public awareness giant hogweed has become an issue. Greg confirmed that both are acted upon in the same way. Michael Martin asked Greg what he thinks of a height issue. Greg confirmed that 10" long grass is pretty significant.

David confirmed that annually through the budget process the By-law service level matrix is distributed to Council which provides the level of service we provide on each By-law. David confirmed that the long grass and noxious weed fell under the complaint only category. David confirmed that staff were not making a dedicated trip to the field and that properties were checked when they work in the area.

David indicated that if Council wants staff to be proactive in this area, the service level matrix can be changed.

Moved by: R. J. Gamble

Seconded by: Gail Ardiel

That the long grass and noxious weed enforcement continue subject to Council commenting on the appropriate length of long grass, **CARRIED**

Planning & Building Committee Meeting Start Time

Director Planning & Building Services, David Finbow confirmed that this is an issue which is constantly identified and could restrain involvement on Council if meeting times are changed from 5:30 instead of 7:00 p.m. This change would save money with respect to overtime. David confirmed that employees are paid overtime at time and a half with staff having the option of payout or time off in lieu of overtime. David suggested that there was an opportunity for savings if there is a change of time and noted the public meetings could still proceed at 7:00 or the public meeting time could also be changed. David is looking for Committee direction on this.

Councillor Bob Gamble suggested a 4:00 p.m. start time.

Councillor Gail Ardiel confirmed that she can change her schedule to accommodate a 4:00 p.m. meeting but is wondering about the rest of Council. Gail suggested that we look at other Committee structures. Gail suggested that if we made a change, we could do a lot of paperwork and then schedule public meetings at the end of the meeting.

Bob suggested the meetings run from 4:00 p.m. through to 5:30 p.m. but felt we should discuss this further at the Council level.

Councillor Michael Martin felt that a 7:00 p.m. start works well for the public and noted there is not a real gage as to what the public wants.

David confirmed that Troy Speck is looking at the meeting schedule on a comprehensive basis.

CAO, Troy Speck confirmed this is a council decision. Troy has asked Corrina Giles and Stephen Keast to look at how other municipalities are dealing with this. Troy is looking at all options from Committee of Whole structure to looking at reducing the number of evening meetings to reducing the number of meetings. Troy confirmed he will talk to Senior Management Team and bring a report back to Council. Troy confirmed that this is a service delivery review and suggested that we may have to reduce levels to the public.

Michael Martin feels there will be a major discussion with Council on this matter.

Moved by: Gail Ardiel

Seconded by: R. J. Gamble

That the matter of Planning & Building Committee Meeting start times be considered by Council subject to a Committee meeting report from CAO, Troy Speck, **CARRIED**

David advised that through the construction of Town Hall we installed for webcasting and he will meet with Troy with respect to webcasting, our costs and the service to the community.

Michael Martin confirmed that planning is a controversial part of the process. He will be interested in the committee structure and council will be interested in this report. He confirmed that maybe lengthen some meetings and eliminate some of the meetings.

Ontario Building Code Program

Director Planning & Building Services, David Finbow noted the concerns expressed with respect to the deficits in this program. David confirmed there is material attached to the Change Paper with respect to expenses and revenues from 2006 to 2012. David noted that as revenues have decreased costs have also decreased. David feels that we run one of the best Building programs in the Province of Ontario.

David noted the reserve numbers from 2000 to 2009 did not look at costs such as interdepartmental transfers, Human Resource, payroll and insurance costs. David confirmed that the building program pays approximately \$80,000.00 in insurance costs yearly. From 2000 to present we are now entering a red period in 2011 and 2012. David confirms that we are managing the deficit appropriately and are we mitigating the risk. David advised that while we do our best to control costs the Province continues to put additional Provincial programs (i.e.: Energy Efficiency). David advised that we are hosting a workshop on Energy Efficiency for builders in this area which is being mandated by the Province.

David noted that he is also concerned about costs but also concerned about liability.

Councillor Bob Gamble appreciates David's comments on past history with respect to revenue and expenses.

Councillor Gail Ardiel noted that in looking at the chart she advised that the economy dropped in 2009 and has dropped in 2011 as well. Gail confirmed the need to curtail the spending and felt that David is good at watching the numbers.

David confirmed that 2006 was a banner year with most of the building related to The Orchards At Craigleith project and noted there is always a lag. You need staffing to go through a period like that. You are then carrying expenses in 2008 and 2009 to carry this program through the lag times. David noted that as we move forward the Director of Financial & IT Services will be taking a report to Finance & Administration Committee to deal with financing or funding the deficits of the Building Department and the Cemetery.

CAO, Troy Speck questioned David about a building reserve. David confirmed that we did not have one until 2007. Troy indicated that we missed the boom years.

Councillor Michael Martin spoke about dislocation between legislation and noted the fees need to cover costs and if they don't you have to cut back. Michael looks at the Building Department the same as Fire Department in they are protecting us from liability. Michael noted that if we cannot fund through fees, we needed a good department to ensure that we do not get hammered on the liability side. Michael noted there is an Education piece for the public and suggested this program saves people money in the long term.

Michael questioned David with respect to his expectation in the change report.

David confirmed that through the Service Delivery Report there is an aggressive fee increase of 6% in 2012 & 2013 which has previously been approved by Council. David confirmed that he knows where we sit across Ontario and locally with our fees being higher than other surrounding municipalities.

Councillor Bob Gamble questioned if there was much gain by taking over the on-site-sewage program. Manager, Building & By-law/CBO Greg Miller confirmed that the municipality has mirrored the fees set by Grey-Bruce Health Unit but noted our turnaround time is less than when they did it. We process the septic system at the same time as they apply for a permit and provide the same day or next day level of service. Greg confirmed that he has received good comments on feedback. Greg will get the fees received to date for Bob Gamble. David confirmed that he will prepare a summary for this to see revenues.

David noted that we have made some changes internally with respect to the sewer and water fees. The Building Department has always administered the program through the permit process and we are now taking some of the money to offset our costs.

David confirmed that we are looking at doing the same thing with respect to entrance permits but are not doing a cost recovery at this time.

Moved by: Gail Ardiel

Seconded by: R. J. Gamble

That expected changes in the building department and building code programs go through Council deliberation, **CARRIED**

Parking Enforcement

Director Planning & Building Services, David Finbow advised that Private MLEO's have been appointed and trained to deal with parking problems on privately owned lands. This came about approximately 3 or 4 years ago when the Condo Corporations expressed an interest in controlling parking on their property for vehicles without authority to park on their property. David noted he used best practices from Richmond Hill and noted our only costs related to this were administrative costs. David advised there is significant revenue to be found in the neighbourhood of \$38,000.00. David noted there is an interest in looking at further use of this program rather than looking at by-law attending on private property to enforce by-law.

David advised the municipality needs to be concerned with accessible person parking and fire routes which are the big item tickets. David noted that Council needs to let us know if they are interested asking security firms to see if they are interested in picking it up. David would not recommend that we pursue this with respect to Fire Department.

Councillor Bob Gamble asked if we had thought about the Fire Department people issuing tickets in the fire routes. David advised that he pursued them issuing tickets many years ago and noted some reluctance from the Fire Department to take on this responsibility. Now they have 3 fire prevention officers who could be appointed as MLEO's to issue tickets. David advised that they would have to attend court if their tickets were disputed. David will explore this option further with Chief Ron Doherty.

Councillor Gail Ardiel agrees with Bob's comments on this.

Councillor Michael Martin questioned if they were initiated through complaints.

David confirmed that we actually have three 3 parties enforcing parking by-laws being our MLEO's, OPP, Private MLEO's. Under the By-law service level matrix the disabled and fire route is proactive enforcement. Overnight parking is on complaint basis only to MLEO's or they call OPP to ticket. David confirmed that some OPP officers are proactive and some are not and the private MLEO's are out there being proactive.

David advised that he is not recommending a change in enforcement and only brought this forward because of private property.

Councillor Bob Gamble questioned if plow operators can issue tickets for overnight parking. David advised that he would have to talk to Director of Engineering & Public Works, Reg Russwurm with respect to this matter.

Moved by: R. J. Gamble

Seconded by: Gail Ardiel

That the parking enforcement program continue in the same manner as in previous years on private property, **CARRIED**

Property Standards Enforcement

Director Planning & Building Services, David Finbow advised that back in 2002 he brought forward a Property Standards By-law for the municipality noting the area that it would apply to. David confirmed that our Official Plan contained policies for a Property Standards By-law. There were a couple of public meetings held and we arrived at the By-law would apply only to the area in red on the screen.

David confirmed that at the time the Property Standards By-law was written, it did not cover the interior of premises. Shortly after the passing of our By-law, the Province had developed legislation for interior of premises on behalf of municipalities. Through this process, a provincial inspector would determine the process and the municipality was charged back for the complaint costs. David advised that these costs have dropped significantly due to less complaints received and questioned the need to look at a Property Standards By-law across the entire municipality, leave as noted on the map or include the hamlets.

David confirmed that he will require direction from Council if they wish the interior of premises added to the By-law and noted there will be a cost to add this service.

Councillor Bob Gamble suggested that the interior review of homes within serviced areas goes hand in hand with Short Term Accommodation inspections. Bob felt that enforcing the Property Standards By-law beyond the designated area would have too many ifs and maybes in the rural areas and does not support going beyond the current area.

Councillor Gail Ardiel agrees with Bob's comments. Gail questioned how many Short Term Accommodation properties were in the rural area? David confirmed the majority of files were within the Craigeith area. Gail expressed concern with expanding the Property Standards By-law into the rural areas and suggested we leave at status quo. Gail also suggested this item should be discussed by Council.

Councillor Michael Martin suggested that with the economic situation we carry on business as we have been and not expand in any areas. Michael felt that this item should be discussed further by Council.

Councillor Bob Gamble does not see any other items that need to be addressed and confirmed that what he thinks we want to provide is a little better than minimum standards. Bob noted that he does not like to see 150% increase in parking.

Councillor Gail Ardiel noted that she felt we had no further items to discuss. Gail thanked David for a great service delivery review which provided some great information.

Director Planning & Building Services, David Finbow thanked the Committee for their input into the Planning & Building Service Delivery Review.

E. Minutes - Receive/Adopt

N/A

F. Correspondence

N/A

G. Next Meeting Date

December 5, 2011

H. Adjournment

Moved by: Gail Ardiel

Seconded by: R. J. Gamble

THAT this Planning & Building Committee meeting does now adjourn at 3:35 p.m..