

THE CORPORATION OF THE TOWN OF WASAGA BEACH

**MINUTES OF THE REGULAR MEETING OF
TOWN COUNCIL**

**Held Tuesday, June 23, 2015 at 7:00 p.m.
In the Council Chambers**

PRESENT:	B. Smith	Mayor
	N. Bifulchi	Deputy Mayor
	R. Anderson	Councillor
	S. Bray	Councillor
	R. Ego	Councillor
	B. Smith	Councillor
	B. Stockwell	Councillor
	G. Vadeboncoeur	CAO
	T. Nicholson	Clerk
	C. Taggart	Recording Secretary
R. Kelso	Manager of Planning & Development	
M. Stahr	Solicitor	
ABSENT:	P. Archdekin	Deputy Clerk

1. CALL TO ORDER

Mayor Smith called the meeting to order at 7:00 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

Deputy Mayor Bifulchi declared pecuniary interest with the Public Works Accounts cheque No. 17955 as it pertains to a family member.

3. ADOPTION OF MINUTES

a) Minutes of the Regular Meeting of Council held Tuesday, May 26, 2015

MOVED BY W. STOCKWELL

SECONDED BY B. SMITH

RESOLUTION NO. 2015-07-01

RESOLVED THAT the Minutes of the Regular Meeting of Council held Tuesday, May 26, at 7:00 p.m. in the Council Chambers, are hereby adopted as circulated.

CARRIED

4. DEPUTATIONS, PRESENTATIONS, PETITIONS & PUBLIC MEETINGS

- a)** Ralph Neate - Collins Barrow, SGB LLP – Presentations of the 2014 Wasaga Beach Distribution Financial Statements

Mayor Smith welcomed Mr. Neate to the table.

Mr. Neate of Collins Barrow presented the highlights of the Wasaga Distribution and Wasaga Resource Services 2014 financial statements.

Mayor Smith asked if there were any questions or comments, there were none. It was then;

MOVED BY B. SMTIH

SECONDED BY N. BIFOLCHI

RESOLUTION NO. 2015-07-02

RESOLVED THAT Council does hereby receive the Wasaga Distribution 2014 Consolidated Financial Report, for information.

CARRIED

PUBLIC MEETING

Official Plan Amendment, Zoning By-Law Amendment
and Plan of Subdivision
195 River Road East, Beachway Trail

Mayor Smith advised that Notice of Public Meeting was published in the Wasaga Sun Newspaper on June 4th, 2015, and circulated to all property owners and assessed persons within 400 feet from the subject lands. This provided 20 days of notice for the Public Meeting and this meeting; therefore, properly constituted as required by the *Planning Act*.

The subject land is located at the southwest corner of Beachway Trail and River Road East and includes land known locally as Chrissie's Cottages and is municipally addressed at 195 River Road East and legally described as Block 27, Plan 51M-923, Part of Lot 26, Concession 9.

The proposed Plan of Subdivision features two blocks consisting of a total of thirteen townhouse units and one block for the purpose of an internal private roadway.

The proposed Official Plan Amendment would re-designate the subject land from the current Open Space and Tourist Commercial designations to the Residential designation.

The proposed Zoning By-Law Amendment would re-zone the subject land from the Open Space (OS) and Tourist Commercial (CT) Zone to the Residential Type 3 Thirty Second Exception Holding (R3-32H) Zone. The special exception zone would deem a private road to be a public street, permit an increase in building height and provide special provisions for lot frontage, unit width, yard setbacks, and lot coverages.

The effect of the proposed Draft Plan of Subdivision and Official Plan and Zoning By-Law Amendments would allow the lands to be redeveloped with a residential development in the form of 13 residential townhouse units facing River Road East and an internal private roadway.

As a result of the circulation of the Notice of Public Meeting the following written comments were received:

Letters of Support:	None
Letters of No objection:	Hydro One
Letters of Concern:	None
Letters of Objections:	None

Mayor Smith asked Mr. Kelso, if we had received any further letters or correspondence in regard to this application.

Mr. Kelso advised that letters of no objection were received; one from the County of Simcoe which pertained mostly to solid waste collection services and included a proposed purchase and sale clause related to that topic and a second letter was received from the Nottawasaga Valley Conservation Authority which sets out the parameters of the storm water management design approval.

The Mayor advised that Ms. Vienna Hutton, of Hamount Investments, would make a brief presentation and provide further details with respect to the proposed Plan of Subdivision and Amendments to the Official Plan and Zoning By-Law.

Ms. Hutton advised that the property is located on Beachway Trail and River Road East and consists of two parcels formally known as Chrissies Cabins. She explained that they will require a Zoning By-Law amendment to rezone the lands from the Open Space (OS) and Accommodation Commercial (CA) Zones to the Residential Type 3 Special Exception Zone similar to the Stonebridge by the Bay development neighbouring the subject lands. Ms. Hutton further explained that the current Official Plan designations are Open Space and Tourist Commercial and will require a re-designation to Residential. Ms. Hutton presented the proposed site plan which has been included with the applications and consists of thirteen units with rear garage access. She advised that services will be brought in off of River Road East. Ms. Hutton advised that the architectural design will be the same as the RG-4 on Sandy Coast Crescent within the Stonebridge by the Bay development. Ms. Hutton advised that the third application is for a Plan of Subdivision which will support a common element condominium. The first block consists of six (6) units, the second block will support a private roadway and the third block will consist of seven (7) units. Ms. Hutton concluded that the applications are consistent with the Official Plan policies and achieves the intensification targets from the County of Simcoe growth plan.

Mayor Smith thanked Ms. Hutton for the presentation and asked if there was anyone present that would like to provide input either in support of, or in opposition to, the proposed Plan of Subdivision or Official Plan and Zoning By-Law Amendments. If so, he asked that they please stand and clearly state their name and address in order that it may be correctly entered into the records of the meeting proceedings.

Earl Veale of 34 Savannah Crescent commented to concerns of the high cost for seniors who live on a private roadway such as the cost of snow removal. Mr. Veale advised that he had previously asked Mr. Kelso why all of the Corporations were not created as one, and said that Mr. Kelso's response was that they will eventually become one Corporation. Mr. Veale advised that he has learned from the *Condominium Act* that they cannot become one Corporation. Mr. Veal stated that he is concerned that items have not been completed in Stonebridge, including top coarse asphalt, and now the developer is moving onto new projects. He stated that he is against private roads and does not support this proposal without the developer completing Stonebridge first.

The Mayor asked Mr. Kelso if he would like to provide comment.

Mr. Kelso advised that the top coarse asphalt is to be completed this summer. Mr. Kelso explained that in Block 2 three (3) different Corporations have been created in increments of 30 to 35 units. Mr. Kelso commented that there may be a possibility that the Corporations can join together and share costs. Mr. Kelso advised that the Town does not regulate the Corporations and that the matter is between the purchaser and the developer.

Mayor Smith asked if there was anyone further who wished to make a comment.

John Dunlop of 284 Stonebridge Boulevard advised that he is the director of Condominium Corporation 362. Mr. Dunlop commented that he is opposed to the applications for reasons that include; Hamount discriminating against owners by creating a number of different Corporations which cannot be merged. The condo Corporations only look after infrastructure and most are on private roads which then have to pay much higher fees than those on public roads. There is a widely diverse infrastructure cost which causes dissension among owners. Shared facilities agreement for two of the Corporations with a small number of units have fixed costs which are different, the Corporation with 13 units is proportionally higher. Mr. Dunlop advised that in January 2013 Hamount secured a temporary use for a construction site and equipment was to be removed by last August, he commented that it is an eye sore and must be addressed. Mr. Dunlop advised that in January 2014 an email from Hamount was received promising the return of lot grading deposits, a year and a half later deposits' have still not been returned.

Mayor Smith asked if there was anyone further, a second time. There were none.

Mayor Smith then asked members of Council if they had any questions or comments with regards to the proposed Plan of Subdivision or amendments to the Official Plan and Zoning By-Law. There were none.

Mayor Smith advised that comments received will be considered and referred back to Development Services Committee where a decision will be made as to whether Committee will recommend the proposed applications proceed further through the approvals process.

Anyone receiving Notice of the Public Meeting will receive Notice of the Decision of Council in this matter. If you did not receive the Notice and would like to receive a copy of the Notice of Decision for the proposed Plan of Subdivision and amendments to the Official Plan and Zoning By-Law, they were asked to please leave their name and address with the recording secretary or make a written request to the Clerk of the Town of Wasaga Beach.

Mayor Smith then closed the public meeting.

Mayor Smith called for a five (5) minute break.

Councillor Smith declared a pecuniary interest as it applies to the June 17th General Government Report with respect to the Special Events Wasaga Beach Blues.

5. UNFINISHED BUSINESS – None

6. CORRESPONDENCE – Received for Information**a) Housing Resource Centre re 2011 Regional Housing Study Update**

Mayor Smith asked if there were any questions or comments. It was then;

MOVED BY N. BIFOLCHI
SECONDED BY S. BRAY

RESOLUTION NO. 2015-07-03

RESOLVED THAT Council does hereby receive the report from the Housing Resource Centre for the 2011 Regional Housing Study update, for information.

CARRIED

CORRESPONDENCE – Requiring Action**a) Simcoe Pride Week – July 31st to August 8th, 2015**

MOVED BY S. BRAY
SECONDED BY B. SMITH

RESOLUTION NO. 2015-07-04

WHEREAS this marks the Third Annual Simcoe Pride Week and it's vision is for a safe and inclusive Simcoe County that supports and unites the Lesbian, Gay, Bisexual, Transgendered and allied (LGBTQA) Community; and,

WHEREAS the Rainbow Flag is raised to honour the LGBTQA Community Members of Simcoe County. The Rainbow Flag was designed by Gilbert Baker in San Francisco in 1978. The colours represent the diversity of the LGBTQA community. The colour Red signifies life; Orange is Healing; Yellow is sunlight. Blue symbolized serenity, peace and harmony and finally purple represents spirit; and,

WHEREAS Simcoe Pride formed May 13, 2012 and its mission is to "To Create and Offer Inclusive Events, Services and educational opportunities that rise above heterosexism, Hetero-normativity and Homo/Bi/Transphobia, providing a safe community within Simcoe County"; and,

WHEREAS Simcoe Pride Week is filled with numerous events and activities that focus on education, awareness, community development, creative expression and fun for the whole community.

NOW THEREFORE BE IT RESOLVED that the Town of Wasaga Beach does hereby proclaim July 31st to August 8th, 2015 as Simcoe Pride Week.

CARRIED

b) County of Simcoe – Waste Management

MOVED BY N. BIFOLCHI
 SECONDED BY W. STOCKWELL

RESOLUTION NO. 2015-07-05

RESOLVED THAT Council does hereby support the motion from the County of Simcoe requesting the Ontario Government to introduce legislation to replace the *Waste Diversion Act* with a system based on full Producer Responsibility, ensuring that producers are responsible for 100% of the end-of-life costs of designated waste.

CARRIED

CORRESPONDENCE – Referred**a) Ministry of Municipal Affairs and Housing – Municipal Legislative Review**

MOVED BY S. BRAY
 SECONDED BY B. SMITH

RESOLUTION NO. 2015-07-06

RESOLVED THAT Council refer the correspondence received from the Ministry of Municipal Affairs and Housing regarding its municipal legislative review of the *Municipal Act*, *Conflict of Interest Act*, *City of Toronto Act*, and the *Municipal Elections Act*, to staff for review and recommendation.

CARRIED

7. COMMITTEE, BOARDS & STAFF REPORTS**a) Committee of the Whole – June 2, 2015**

Mayor Smith spoke to the highlights of the meeting and it was then;

MOVED BY S. BRAY
 SECONDED BY B. SMITH

RESOLUTION NO. 2015-07-07

RESOLVED THAT Council does hereby adopt the Committee of the Whole Report dated June 2, 2015 as circulated, and approves all actions contained therein.

CARRIED

b) Committee of the Whole - June 9, 2015

Mayor Smith spoke to the highlights of the meeting. Deputy Mayor Bifulchi requested that Items 2015-18-02 and 2015-02-03 be voted on separately with respect to the amendment to the Code of Conduct. It was then;

MOVED BY W. STOCKWELL
 SECONDED BY B. SMITH

RESOLUTION NO. 2015-07-08

RESOLVED THAT Council does hereby adopt the Committee of the Whole Report dated June 9, 2015, as circulated, and approves all actions contained therein, save and except 2015-18-02 and 2015-08-03.

CARRIED

Deputy Mayor Bifulchi spoke to the resolutions in question; a recorded vote was requested. Members commented.

Mayor Smith welcomed the Town Solicitor, Michael Stahr to the table. Mr. Stahr advised that he would recommend the discussion take place in Closed Session, as the opinion is subject to solicitor-client privilege; however, the client has the right to waive that privilege.

Councillor Smith moved that Council move into Closed Session.

MOVED BY B. SMITH

SECONDED BY R. ANDERSON

RESOLUTION NO. 2015-07-09

RESOLVED THAT pursuant to Section 239 *The Municipal Act*, 2001, as amended, the next portion of the June 23, 2015 Council meeting be closed to the public to consider advice that is subject to solicitor-client privilege, including communications necessary for that purpose regarding a proposed amendment to the Code of Conduct.

DEFEATED

The motion to move into a closed session was defeated; the Town Solicitor was requested to give his legal opinion, which he did.

MOVED BY R. EGO

SECONDED BY B. STOCKWELL

RESOLUTION NO. 2015-07-10

RESOLVED THAT Council amend the Code of Conduct to provide authority to the Mayor to direct all staff.

Councillor Anderson	Yea	
Deputy Mayor Bifulchi		Nay
Councillor Bray		Nay
Councillor Ego	Yea	
Councillor Smith	Yea	
Mayor Smith	Yea	
Councillor Stockwell	Yea	

CARRIED

MOVED BY B. SMITH

SECONDED BY R. EGO

RESOLUTION NO. 2015-07-11

RESOLVED THAT Council does hereby adopt the new Code of Conduct for Council, as amended.

Councillor Anderson	Yea	
Deputy Mayor Bifulchi		Nay
Councillor Bray		Nay
Councillor Ego	Yea	
Councillor Smith	Yea	
Mayor Smith	Yea	
Councillor Stockwell	Yea	

CARRIED

c) Committee of the Whole – June 16, 2015

Mayor Smith spoke to the highlights of the meeting and it was then;

MOVED BY R. EGO
SECONDED BY S. BRAY

RESOLUTION NO. 2015-07-12

RESOLVED THAT Council does hereby adopt the Committee of the Whole Report dated June 16, 2015, as circulated, and approves all actions contained therein.

CARRIED

d) Public Works Committee – June 17, 2015

Councillor Stockwell spoke to the highlights of the meeting.

Councillor Bray requested that Resolution No. 2015-06-02 with respect to ATV's be voted on separately by all members of Council. It was then;

MOVED BY W. STOCKWELL
SECONDED BY R. EGO

RESOLUTION NO. 2015-07-13

RESOLVED THAT Council does hereby adopt the Public Works Committee Report dated June 17, 2015, as circulated, and approves all actions contained therein save and except 2015-06-02.

CARRIED

MOVED BY S. BRAY
SECONDED BY B.F.SMITH

RESOLUTION NO. 2015-07-14

RESOLVED THAT the motion pertaining to All-Terrain Vehicle (ATV) Seasonal Road Use be amended by deleting the portion of the second paragraph of the motion after the word "basis".

CARRIED

e) General Government Committee – June 17, 2015

Councillor Anderson spoke to the highlights of the meeting.

Councillor Ego requested that Resolution No. 2015-06-17 regarding the Beer Store trailer be voted on separately. It was then;

MOVED BY R. EGO
SECONDED BY N. BIFOLCHI

RESOLUTION NO. 2015-07-15

RESOLVED THAT Council does hereby adopt the General Government Committee Report dated June 17, 2015, as circulated, and approves all actions contained therein, save and except 2015-06-17.

CARRIED

Council had a discussion on permitting the Beer Store approval to put a trailer at the Superstore.

MOVED BY N. BIFOLCHI
SECONDED BY S. BRAY

RESOLUTION NO. 2015-07-16

RESOLVED THAT Council does hereby approve of a Temporary Beer Store Trailer at the side of the Great Canadian Super Store for the year 2015.

DEFEATED

f) Community Services Committee – June 18, 2015

Councillor Ego spoke to the highlights of the meeting and it was then;

MOVED BY S. BRAY
SECONDED BY R. EGO

RESOLUTION NO. 2015-07-17

RESOLVED THAT Council does hereby adopt the Community Services Committee Report dated June 18, 2015, as circulated, and approves all actions contained therein.

CARRIED

g) Development Services Committee – June 18, 2015

Deputy Mayor Bifolchi spoke to the highlights of the meeting and it was then;

MOVED BY N. BIFOLCHI
SECONDED BY R. EGO

RESOLUTION NO. 2015-07-18

RESOLVED THAT Council does hereby adopt the Development Services Committee Report dated June 18, 2015 as circulated, and approves all actions contained therein.

CARRIED

h) Proposed Lease Rate for Dardenella Licensed Establishment

Councillor Stockwell requested a recorded vote and it was then;

MOVED BY B. SMITH
SECONDED BY R. EGO

RESOLUTION NO. 2015-07-19

RESOLVED THAT Council does hereby approve the lease rate for the Dardenella Licensed Establishment for the 2015 season as recommended by the Chief Administrative Officer.

Councillor Anderson	Yea	
Deputy Mayor Bifolchi	Yea	
Councillor Bray	Yea	
Councillor Ego		Nay
Councillor Smith	Yea	
Mayor Smith	Yea	
Councillor Stockwell		Nay

CARRIED

i) Accounts – May 1-31, 2015

MOVED BY W. STOCKWELL
SECONDED BY R. EGO

RESOLUTION NO. 2015-20

RESOLVED THAT Council does hereby approve the May 2015 Accounts in the amount of \$15,531,239.36.

CARRIED

8) NOTICES OF MOTION - None

9) MOTIONS – WHERE NOTICE HAS BEEN PREVIOUSLY GIVEN - None

10) BY-LAWS AND CONFIRMATORY BY-LAW

- a) A By-Law of the Corporation of the Town of Wasaga Beach to authorize the borrowing upon serial debentures in the principal amount of \$6,900,000.00 towards the cost of the land acquisition**

MOVED BY W. STOCKWELL
SECONDED BY B. SMITH

RESOLUTION NO. 2015-07-21

RESOLVED THAT a By-Law of the Corporation of the Town of Wasaga Beach to authorize the borrowing upon serial debentures in the principal amount of \$6,900,000.00 toward the cost of the land acquisition, be received and be deemed to have been read a first, second and third time, passed and numbered No. 2015-43.

CARRIED

- b) By-Law to Amend By-Law No. 2015-09, being a By-Law to Establish Fees and Charges to be Collected by the Town of Wasaga Beach – Cemetery Fees**

MOVED BY B. SMITH
SECONDED BY N. BIFOLCHI

RESOLUTION NO. 2015-07-22

RESOLVED THAT a By-Law to Amend By-Law No. 2015-09, being a By-Law to Establish Fees and Charges to be Collected by the Town of Wasaga Beach, be received and be deemed to have been read a first, second and third time, passed and numbered No. 2015-44.

CARRIED

c) A By-Law to Assume Certain Streets and the Associated Services in the Town of Wasaga Beach for Coral Sunrise Subdivision (Phases 1, 2A, 2B, 2C, 2D) (Trailwood Place, Foxwood Crescent, Cranberry Heights, Royal Beech Drive, Regina Boulevard, Fawndale Crescent, Honeysuckle Way)

MOVED BY R. EGO

SECONDED BY N. BIFOLCHI

RESOLUTION NO. 2015-07-23

RESOLVED THAT a By-Law to Assume Certain Streets and the Associated Services in the Town of Wasaga Beach for Coral Sunrise Subdivision (Phases 1, 2A 2B 2C, 2D) Registered Plan 51M-636, be received and be deemed to have been read a first, second and third time, passed and numbered No. 2015-45.

CARRIED

d) A By-Law to amend By-Law No. 2015-04, being a By-Law to Govern the Proceedings of Meetings of Town Council and its appointed Committees (Closed meeting minutes and reporting procedures & meeting schedule)

MOVED BY S. BRAY

SECONDED BY W. STOCKWELL

RESOLUTION NO. 2015-07-24

RESOLVED THAT a By-Law to amend By-Law No. 2015-04, being a By-Law to Govern the Proceedings of Meetings of Town Council and its appointed Committees, be received and be deemed to have been read a first, second and third time, passed and numbered No. 2015-46.

CARRIED

e) A By-Law to Establish and Adopt a Code of Conduct for the Council of the Town of Wasaga Beach

Deputy Mayor Bifolchi requested a recorded vote and it was then;

MOVED BY B. SMITH

SECONDED BY R. EGO

RESOLUTION NO. 2015-07-25

RESOLVED THAT a By-Law to Establish and Adopt a Code of Conduct for the Council of the Town of Wasaga Beach, be received and be deemed to have been read a first, second and third time, passed and numbered No. 2015-47.

Councillor Anderson	Yea	
Deputy Mayor Bifolchi		Nay
Councillor Bray		Nay
Councillor Ego	Yea	
Councillor Smith	Yea	
Mayor Smith	Yea	
Councillor Stockwell	Yea	

CARRIED

f) Confirmatory By-Law

MOVED BY B. SMITH
 SECONDED BY R. EGO

RESOLUTION NO. 2015-07-26

RESOLVED THAT a By-Law to Confirm the Proceedings of the Council of the Corporation of the Town of Wasaga Beach at its Regular Meeting held Tuesday, June 23, 2015 be received and be deemed to have been read a first, second and third time, passed and numbers No. 2015-48.

CARRIED

11) CALLING OF COMMITTEE MEETINGS

Public Works	July 22 at 8:30 a.m.
General Government	July 22 at 10:00 a.m.
Community Services	July 23 at 8:30 a.m.
Development Services	July 23 at 10:00 a.m.

12) QUESTION PERIOD - None

“A fifteen (15) minute session wherein persons in attendance at the Regular Meeting of Council have an opportunity to raise questions pertaining to items that were dealt with by Council on the evening’s Agenda.”

13) CLOSED SESSION

- a) **Procedural Matters – Adoption of Closed Session Reports: June 9/15 Committee of the Whole; June 16/15 Committee of the Whole; June 17/15 – Public Works Committee**

MOVED BY B. STOCKWELL
 SECONDED BY N. BIFOLCHI

RESOLVED THAT pursuant to Section 239 of *The Municipal Act, 2001*, as amended, the next portion of the June 23, 2015 Council meeting be closed to the public to deal with procedural matters regarding the adoption of Closed Session Reports for June 9, 2015 Committee of the Whole, June 16, 2015 Committee of the Whole and June 17, 2015 Public Works Committee.

Motion to go into closed session was withdrawn by the Consensus of Council and dealt with the adoption of the Reports in Open session.

June 9, 2015 Committee of the Whole

MOVED BY R. EGO
SECONDED BY B. SMITH

RESOLUTION NO. 2015-07-27

RESOLVED THAT Council does hereby adopt the Committee of the Whole Closed Meeting Report dated June 9, 2015, as circulated, and approves all actions contained therein.

CARRIED

June 16, 2015 Committee of the Whole

MOVED BY R. ANDERSON
SECONDED BY B. SMITH

RESOLUTION NO. 2015-07-28

RESOLVED THAT Council does hereby adopt the Committee of the Whole Closed Meeting Report dated June 16, 2015, as circulated, and approves all actions contained therein.

CARRIED

June 17, 2015 Public Works Committee

MOVED BY S. BRAY
SECONDED BY B. SMITH

RESOLUTION NO. 2015-07-29

RESOLVED THAT Council does hereby adopt the Public Works Committee Closed Meeting Report dated June 17, 2015, as circulated, and approves all actions contained therein.

CARRIED

14. ADJOURNMENT

Mayor Smith adjourned the meeting at 8:50 p.m.

The Minutes of this Meeting were adopted the 28th day of July 2015.

Brian Smith, Mayor

Twyla Nicholson, Clerk