



MINUTES OF SPECIAL MEETING OF TOWN COUNCIL

Held Thursday, May 3, 2016
Classroom

PRESENT:

B. Smith	Mayor
N. Bifulchi	Deputy Mayor
S. Bray	Councillor
R. Ego	Councillor
B. Smith	Councillor
B. Stockwell	Councillor
G. Vadeboncoeur	CAO
H. Bryce	Town Clerk
P. Archdekin	Deputy Clerk
A. McNeill	Director of Economic Development and Tourism
D. Herron	Manager of Planning
B. Vickers	Chief Building Official
J. Legget	Communications Officer

1. CALL TO ORDER

Mayor Smith called the meeting to order at 3:00 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST - None

3. ADOPTION OF MINUTES – None

4. DEPUTATIONS, PRESENTATIONS, PETITIONS & PUBLIC MEETINGS

- a) Larry Pevato re: Dardanella RFP Award and Process & RFP Process Copa, Bananas, Dardanella

The Mayor advised that Mr. Pevato has submitted a letter to withdraw the deputation today until a future date.

5. UNFINISHED BUSINESS – None

6. CORRESPONDENCE – Received for Information - None

CORRESPONDENCE – Requiring Action - None

CORRESPONDENCE – Referred - None

7. COMMITTEE, BOARDS & STAFF REPORTS

- a) Manager of Planning and Development – Application for Site Plan Approval File: SP02/15 Proposed Commercial Development – 7 Unit Re-Purposed Shipping Containers 1126744 Ontario Inc. – Vidinovski 10 Main Street

Mr. Herron was welcomed to the table. He spoke to his report on the site plan application made by 126744 Ontario Inc. for site plan proposal at 10 Main St. Normally staff has been delegated the authority of site plans but this was a request that the site plan come forward. Staff are recommending that the Mayor and Clerk enter into the site plan agreement. The owner has executed the agreement, provided the necessary insurance certificate and securities that are described in agreement. The amendment on the table is to change the security amount which has gone up to reflect full cost of the works to install the driveway access off Beach Drive to 10 Main Street.

Councillor Bray inquired about the sunset clause in the site plan and zoning noting they are difficult to enforce. Mr. Herron responded that the Town is entering into a site plan control and the non-compliance to the agreement is addressed through the court system. What the owner is developing is temporary in nature and the site plan control looks at it as a permanency once granted and the sunset clause allow it to live five (5) years. The sunset clause contains criteria that the ten (10) units be removed prior to the termination of five (5) years. If not the Town is authorized to enter upon the lands and remove the containers and remit the cost to the owner for payment upon demand.

Deputy Mayor Bifulchi requested a recorded vote and inquired if a legal opinion has been sought over the sunset clause. Mr. Herron advised he had no answer to that question.

Councillor Smith stated that Mr. Vidinovski had until April to remove units and requested an update.

Mr. Vickers was invited to the table to respond. He advised that charges have been prepared and papers prepared. However at this time the charges have not been laid.

Councillor Smith then asked for an update on the application.

Mr. Vickers advised that he has received the application for the building permit and the drawings are not complete. He is waiting for further information from the architect.

Councillor Smith stated that if this is approved she would like a deadline set for completion when he is going to do this and look at the buildings to make sure it is complete before we give final approval so they are done properly.

Mr. Vickers asked for clarification if Councillor Smith wanted to see the architectural drawings. The Councillor clarified she did not. Mr. Vickers advised that the design is complete but the technical and mechanical drawings were not submitted.

Mayor Smith inquired if the Building Department normally accepts architectural drawings that are not complete. Mr. Vickers advised that it occurs from time to time.

Councillor Bray would like to see containers at the main end this year as she has seen them work well in other municipalities and if we are activating the space would like to see them open for July as this area should not be a construction site this summer and is comfortable with the five (5) year sunset clause. In principal she agrees.

The CAO noted that Mr. Vidinovski is in the audience the questions may be best posed to him. Council agreed to invite Mr. Vidinovski to the table.

Mr. Vidinovski advised that he is waiting for the drawings to be complete and should have them in the next couple of days. He noted that normally a person wouldn't apply for a building permit until the site plan is finished but he did both at the same time.

Councillor Smith inquired if Council could expect to see something completed by July 1st. Mr. Vidinovski advised that he wants to be finished by end of May and will move forward as soon as he can subject to Council approval.

Mayor Smith inquired what the Building Department is looking for to which Mr. Vickers responded.

Councillor Smith inquired of the number of containers. Mr. Herron responded the original submission was for 58 shipping containers, the application was amended to seven (7) containers and the latest submission received in March is for ten (10).

Mayor Smith thanked Mr. Vidinovski for the additional information and he left the table.

Once again Councillor Smith advised that she wants to see an amendment for completion within a reasonable time. It was noted this motion is for site plan approval not the building permit application.

The CAO advised the discussion has been recorded and we have heard Mr. Vidinovski advise he would aim for a completion date by the end of May. It was then;

MOVED BY B. SMITH
SECONDED BY R. EGO

RESOLUTION NO. 2016-07-01

RESOLVED THAT Council does hereby approve the site plan application submitted by 1126744 Ontario Inc.; and,

THAT Council authorize the Mayor and Clerk to enter into a Site Plan Control Agreement with 1126744 Ontario Inc. – Nick Vidinovski for lands at 10 Main Street in Wasaga Beach.

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

DEFEATED

- b) **Manager of Planning and Development – Application for Lift Hold (H)
By-law File: Z03/15 Proposed Commercial Development 1126744
Ontario Inc. – Vidinovski 10 Main Street**

Mr. Herron advised that the Lift Hold By-Law is for the same property discussed earlier and the lift hold should not be approved as the condition of site plan cannot be met at this time.

As a result, this item was withdrawn.

c) Director of Economic Development & Tourism - Beachfront Lease – 41 Beach Drive, Unit F

MOVED BY S. BRAY

SECONDED BY B. STOCKWELL

RESOLUTION NO. 2016-07-02

RESOLVED THAT Council does hereby accept the Offer to Lease from Sushi Wasaga Beach for 41 Beach Drive, Unit F for a five (5) year term, with an option to renew for a further five (5) years, based on satisfactory performance and Council approval.

CARRIED

d) Director of Economic Development & Tourism - Beachfront Lease – 41 Beach Drive, Unit E

Councillor Bray expressed her concerns with the lease rate that has been offered at \$52.00/sq. foot. It was her opinion that Council should look at a fair lease to all and in light of all the other leases, refer it back to Staff.

Mr. McNeill noted this would be the highest for any beachfront lease and this unit is smaller; less than 50% of Burger King. He stated it is a good lease for the Town.

Councillor Bray noted she understands it is the highest but we have accepted leases at less and as a municipality we should be fair to all and not accept a lease of this value.

Mr. McNeill agreed that Council has accepted less, but this is what is being offered and as it is a good offer he is comfortable with the offer made. It was then;

MOVED BY R. EGO

SECONDED BY B. STOCKWELL

RESOLUTION NO. 2016-07-03

RESOLVED THAT Council accept the Offer to Lease from Beachfront Convenience for 41 Beach Drive, Unit E for a five (5) year term, with an option to renew for a further five (5) years, based on satisfactory performance and Council approval.

CARRIED

c) Director of Economic Development & Tourism - Beachfront Lease – 47 Beach Drive, Unit F

Councillor Bray once again voiced her concerns with the lease rates all being different. Councillor Smith requested a recorded vote and it was then;

MOVED BY B. SMITH

SECONDED BY B. STOCKWELL

RESOLUTION NO. 2016-07-04

RESOLVED THAT Council refer the Offer to Lease from House of Bombay o/a Beach Depot for 47 Beach Drive, Unit F for a five (5) month term back to staff with direction to negotiate a lease rate of at minimum \$43/SF or \$16,000 (exclusive of taxes, utilities, operating costs and insurance).

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

CARRIED

d) CAO – Dardenella Beachfront Licensed Establishment

Councillor Stockwell called for a Point of Order and asked if Council can deal with this given that Council passed a motion on March 9th that only one party gets one facility. That was the decision of Council and carried on a recorded vote. He questioned by dealing with this are we going contrary to a decision of Council.

The Clerk read the March 9th motion and the CAO noted that Council ``reserved the right`` not to award the facility to an operator if already operating a facility. The motion as passed did not specifically indicate Council would NOT award multi facilities to the same operator.

The CAO spoke to his report noting that he has provided two options for the Dardanella. Staff is seeking direction from Council how it wishes to proceed and the report has factors to consider. Does Council want a licensed establishment; if so he has provided time frames to get it if Council wants to see it operating and licensed for season. Council has that option. The other option is to go back out for an RFP and in terms of the process the earliest someone could get in to the unit is by the end of June or July plus there is still the liquor license aspect to consider.

Deputy Mayor Bifulchi noted that at the last Council meeting, there was support for a 5 year lease to Phoenix and it is important to have the Dard open this summer. At this time two of the other establishments, Copa and the Beer Gardens, do not have a liquor license. She will support the recommendation for a four month lease if Phoenix is accepting of the shorter term. She asked if they are open to it as we are throwing something last minute contrary to what they asked for.

The Deputy Mayor requested a recorded vote.

Mayor Smith noted we have two recommendations but there will be only one motion.

Councillor Stockwell noted that should that motion fail we could then consider the second one.

Deputy Mayor Bifulchi requested it be clarified that if Phoenix is awarded the Dard for 2016, there is nothing preventing them from renting in future years; they are not being excluded down the road; and they can bid on any RFP in the future.

The CAO advised that from his perspective, if Council accepts this motion and Phoenix agrees to the four months, the RFP needs to be improved and worked on and we have learned through the 3 processes of changes that are to be made. In his report all of Council will need to sign off on a revised RFP before it goes out. Some of the issues will be captured in that RFP. He can't prejudge what Council will say as there are strong opinions. His intent would be to bring the RFP back to committee and have it

ready to as quickly as possible. If option 1 is accepted, the RFP would be ready in the fall.

Mayor Smith noted this is only for the 2016 season. Deputy Mayor Bifulchi requested that the word ``only`` be removed.

Councillor Stockwell wanted to know what they are prepared to pay for the lease and capital works for the Dard. Councillor Stockwell stated the Dardanella is in poor condition. He did a walk-through of the Dard a month ago and was very surprised on how poor the condition is. If we give a one year lease one would think that the successful bidder would pay the rent but is not likely to put in capital dollars.

The CAO advised it would be his intent to sit down with the operator to see what capital works they are prepared to undertake. Some capital works are on the Town to do and there may be things the leaseholder wishes to do.

Councillor Stockwell stated that on a basic a one year lease the successful bidder would not put in a lot of capital dollars. Councillor Stockwell advised he will he will not support a one year lease for those reasons. It was then;

MOVED BY B. SMITH

SECONDED BY R. EGO

RESOLUTION NO. 2016-07-05

RESOLVED THAT Council does hereby offer Phoenix Hospitality Inc., the opportunity to lease the Dardanella beachfront licensed establishment for the 2016 season – May 16th to September 17th, subject to the negotiation of lease acceptable to the Committee of the Whole.

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

DEFEATED

Councillor Stockwell requested recorded vote.

Councillor Smith inquired if the proponent turned down today can re-apply. The Mayor responded that the RFP will be brought back to Committee. Councillor Bray inquired if the Dardanella will be open for the 2016 season to which the Mayor responded that is unknown at this time. It was then;

MOVED BY R. EGO

SECONDED BY B. STOCKWELL

RESOLUTION NO. 2016-07-06

RESOLVED THAT Council that it direct the CAO to issue an RFP for the operation of the Dardenella Licensed Establishment based on new RFP being developed that is acceptable to Committee of the Whole.

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

CARRIED

e) CAO – CFB Borden Centennial Celebration June 11 and 12, 2016

MOVED BY S. BRAY

SECONDED BY R. EGO

RESOLUTION NO. 2016-07-07

RESOLVED THAT Council does hereby approve sponsorship of the Canadian Armed Forces Day and Air Show on June 11th and 12th, 2016 in the amount of \$1,000.00, as part of the CFB Board Centennial Celebration in recognition of the close ties between the Base and the Town of Wasaga Beach in the past and continuing today.

CARRIED

f) Town Clerk – Declaring the Office of Councillor Vacant and Deciding the Method to Fill the Vacancy

Deputy Mayor Bifulchi stated that filling the vacancy has to be democratic and sensible. To hand pick and appoint a person when there is 2.5 years remaining does not respect the voting public. It could be perceived that people are pushing their own agendas as opposed to the voting public choosing a replacement. A recorded vote was requested.

Councillor Stockwell inquired what the process will be if the motion is turned down. He further asked that the motion be divided.

Mayor Smith reminded the Councillors that they are down to six Council members and a tie vote is a no vote. All three (3) options available to Council are up for discussion today and the Town has 60 days from today to fill the spot if the replacement is to be by appointment.

Councillor Stockwell stated his concern is not as simple as going to next person in line for that office. If we want to recognize the voters using the vote, the votes are split. A person should be able to put his name forward and Council should look at it. He doesn't think that it is the intention of the voters to appoint the next in line.

Councillor Smith stated we are elected to represent our residents and as representatives of those we should have their support in whatever we recommend.

MOVED BY N. BIFOLCHI
 SECONDED BY S. BRAY

RESOLUTION NO. 2016-07-08

RESOLVED THAT Council does hereby receive the report pertaining to Declaring the Office of Councillor Vacant and Deciding the Method to Fill the Vacancy; and,

THAT Council declare the office of Councillor vacant.

CARRIED

Councillor Bray's opinion was that to respect the voters, Council should appoint the candidate for the Councillor Position next in line. A By-Election or the Councillor candidate with the highest number of votes is the fairest to the public. It was then;

MOVED BY N. BIFOLCHI
 SECONDED BY S. BRAY

RESOLUTION NO. 2016-07-09

RESOLVED THAT Council receive the report pertaining to Declaring the Office of Councillor Vacant and Deciding the Method to Fill the Vacancy; and,

FURTHER THAT the vacant seat on the Town of Wasaga Beach Municipal Council be filled by means of an appointment (option 1A) of a Councillor Candidate from the 2014 Municipal Election who received the most votes but was not elected subject to confirmation that the Candidate is still qualified to hold office in accordance with the Municipal Act.

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

DEFEATED

Councillor Bray then spoke to option 2, a By-Election, and if want our residents to speak out, open it up to them. Council has spent a lot of money on less important things and this is important.

Councillor Stockwell expressed his concern with the time a By-election will take and will not have a replacement in place until September. He supported opening it up to people who would like to be a member of council and have them make a presentation to Council.

Councillor Bray requested a recorded vote and it was then;

MOVED BY S. BRAY
 SECONDED BY N. BIFOLCHI

RESOLUTION NO. 2016-07-10

RESOLVED THAT Council does hereby receive the report pertaining to Declaring the Office of Councillor Vacant and Deciding the Method to Fill the Vacancy; and,

FURTHER THAT the vacant seat on the Town of Wasaga Beach Municipal Council be filled by way of a By-election (option 2); and,

FINALLY THAT the Clerk be directed to proceed with the necessary by-laws, policies and procedures to fill the vacant Council seat at the next meeting of Council.

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

DEFEATED

Deputy Mayor Bifolchi stated in her belief and opinion the replacement has already been predetermined. By not going to the public for its decision and might as well put the name of the new councillor in the envelope and pull it out.

Mayor Smith asked the Deputy Mayor to stop and asked her to apologize to the rest of this council for making an accusation like that against council.

Deputy Mayor Bifolchi refused and suggested the Mayor could contact the integrity commissioner as she has a right to her own opinion.

The Mayor indicated he would contact the integrity commissioner and advised Council that there would be no further comments at the table of a derogatory nature towards any member of council.

MOVED BY R. EGO
 SECONDED BY B. SMITH

RESOLUTION NO. 2016-07-11

RESOLVED THAT Council does hereby receive the report pertaining to Declaring the Office of Councillor Vacant and Deciding the Method to Fill the Vacancy; and,

FURTHER THAT the vacant seat on the Town of Wasaga Beach Municipal Council be filled by means of a call for applicants (option 1B); and,

FINALLY THAT the Clerk be directed to bring forward the necessary policies and procedures to fill the vacant Council seat at the meeting of Council for Council approval.

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

CARRIED

Councillor Smith noted that we have received applications already. Councillor Bray called for a Point of Order based on the fact Council has voted on the matter. The Clerk noted that applications cannot be received until the process is in place. Any expressions of interest will have to be resubmitted under the proper process.

Councillor Stockwell addressed the Mayor stating that when there is a Point of Order he has to deal with it. The Mayor responded advising that he did by declining the Point of Order. Councillor Stockwell then asked the Clerk for her opinion and Ms. Bryce advised that the Mayor refused the Point of Order as the Councillor's question did not relate to the business.

Mayor Smith called for a short recess at 4:00 p.m.

The meeting resumed at 4:12 p.m.

**g) Town Clerk – Appointments to Town Committees and Boards
(Due to Council Vacancy)**

MOVED BY R. EGO

SECONDED BY B. STOCKWELL

RESOLUTION NO. 2016-07-12

RESOLVED THAT Council does hereby ratify the appointment of Mayor Brian Smith to the River Resource Committee.

CARRIED

8. NOTICES OF MOTION

Deputy Mayor Bifulchi submitted a Notice of Motion:

“That Committee of the Whole discuss providing Wasaga Distribution and its subsidiaries with Shareholder direction to provide Council with the minutes of all meetings for information in confidence on a monthly basis, effective January 1, 2016.”

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

10. BY-LAWS AND CONFIRMATORY BY-LAW

a) 2016-88 A By-law to Authorize the Execution of an Agreement with Honk Mobile Inc. for Automated Paid Parking System

MOVED BY B. SMITH

SECONDED BY N. BIFOLCHI

RESOLUTION NO. 2016-07-13

RESOLVED THAT a By-Law to Authorize the Execution of an Agreement with Honk Mobile Inc. for Automated Paid Parking System, be received and be deemed to have been read a first, second and third time, passed and numbered No. 2016-88.

CARRIED

b) 2016-89 A By-law to Make Council Appointments to Various Boards and Committees of the Town of Wasaga Beach

MOVED BY R. EGO

SECONDED BY B. STOCKWELL

RESOLUTION NO 2016-07-14

RESOLVED THAT a By-Law to Make Council Appointments to Various Boards and Committees 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. 2016-89.

CARRIED

c) 2016-90 A By-law to Authorize the Execution of a Lease Agreement Between the Town of Wasaga Beach and Sushi Wasaga Beach and Benny Zhang for a Commercial Lease at 41 Beach Dr. Unit F

MOVED BY R. EGO

SECONDED BY S. BRAY

RESOLUTION NO. 2016-07-15

RESOLVED THAT a By-Law to Authorize the Execution of a Lease Agreement Between the Town of Wasaga Beach and Sushi Wasaga Beach and Benny Zhang for a Commercial Lease at 41 Beach Dr., Unit F, be received and be deemed to have been read a first, second and third time, passed and numbered No. 2016-90.

CARRIED

d) 2016-91 A By-law to Authorize the Execution of a Lease Agreement Between the Town of Wasaga Beach and Beach One Convenience Store and Hassan Toutouchian for a Commercial Lease at 41 Beach Dr Unit E

MOVED BY R. EGO

SECONDED BY B. STOCKWELL

RESOLUTION NO. 2016-07-16

RESOLVED THAT a By-Law to Authorize the Execution of a Lease Agreement Between the Town of Wasaga Beach and Beach One Convenience Store and Hassan Toutouchian for a Commercial Lease at 41 Beach Dr., Unit E, be received and be deemed to have been read a first, second and third time, passed and numbered No. 2016-91.

CARRIED

e) 2016-92 A By-law to Amend the Town of Wasaga Beach Comprehensive Zoning By-law 2003-60, as amended (126744 Ontario Inc.- Vidinovski, 10 Main Street)

By-Law was withdrawn.

f) 2016-93 Confirmatory By-Law

MOVED BY R. EGO
SECONDED BY S. BRAY

RESOLUTION NO. 2016-07-17

RESOLVED THAT a By-Law to Confirm the Proceedings of the Council of the Town of Wasaga Beach at its Special Meeting held Tuesday, May 3, 2016 be received and be deemed to have been read a first, second and third time, passed and numbered No. 2016-93.

CARRIED

- 11. **CALLING OF COMMITTEE MEETINGS** – N/A
- 12. **QUESTION PERIOD**
- 13. **CLOSED SESSION** - None
- 14. **ADJOURNMENT**

Mayor Smith adjourned the meeting at 4:17 p.m.

Minutes of this meeting were adopted the 24th day of May, 2016.

Brian Smith, Mayor

Holly Bryce, Town Clerk