

DUFFERIN COUNTY COUNCIL



Thursday, May 13, 2010

7:00 p.m.

**Council Chambers, Court House
51 Zina Street, Orangeville**

Council Members Present:

Warden Allen Taylor (East Garafraxa)
Councillor Rob Adams (Orangeville)
Councillor Ken Bennington (Shelburne)
Councillor Ed Crewson (Shelburne) (arrived 7:18 p.m.)
Councillor Debbie Fawcett (Melancthon)
Councillor Bill Hill (Melancthon)
Councillor Lorie Haddock (Mono)
Councillor Walter Kolodziechuk (Amaranth)
Councillor Don MacIver (Amaranth)
Councillor Warren Maycock (Orangeville)
Councillor Ken McGhee (Mono)
Councillor Gordon D. Montgomery (Mulmur)
Councillor John Oosterhof (East Luther Grand Valley)

Members Absent:

Councillor Sue Snider (Mulmur) (prior notice)

Staff Present:

Linda Dean, Chief Administrative Officer
Alan Selby, Treasurer
Trevor Lewis, Director of Public Works
Keith Palmer, Director of Community Services
Brenda Urbanski, Dufferin Oaks Administrator
Wayne Townsend, Museum Director/Curator
Tom Reid, Director of Ambulance Services
Pam Hillock, Clerk
Michelle Dunne, Council/Committee Coordinator

Warden Taylor called the meeting to order at 7:00 p.m.

The Warden noted the upcoming meetings and events:

Public Works Committee – Tuesday, May 25, 2010
Community Services/Dufferin Oaks Committee – May 26, 2010
Museum Board – May 26, 2010
Community Development Committee – May 27, 2010
Accessibility Advisory Committee – May 31, 2010
General Government Services Committee – Monday, May 31, 2010

1. APPROVAL OF AGENDA

Moved by Councillor Montgomery, seconded by Councillor Hill

THAT the Agenda and any Addendums distributed for the May 13, 2010, meeting of Council, be approved.

-Carried-

2. DECLARATIONS OF INTEREST BY MEMBERS

Members of Council are required to state any pecuniary interest in accordance with the Municipal Conflict of Interest Act. None were stated.

3. APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Moved by Councillor Maycock, seconded by Councillor Adams

THAT the minutes of the Regular Meeting of Council of April 8, 2010, be adopted.

-Carried-

4. PRESENTATIONS, DELEGATIONS AND PROCLAMATIONS

4.1. Proclamation: Emergency Medical Services Week

The County of Dufferin proclaimed the week of May 16 – 22, 2010 as 'Emergency Medical Services Week'. Warden Taylor presented the proclamation to Tom Reid, Director of Ambulance Services.

4.2. Proclamation: Sexual Assault Prevention Month

The County of Dufferin proclaimed the month of May, 2010 as 'Sexual Assault Prevention Month.'

4.3. Proclamation: Spina Bifida and Hydrocephalus Awareness Month

The County of Dufferin proclaimed the month of June, 2010 as 'Spina Bifida and Hydrocephalus Awareness Month.'

4.4. Delegation: Headwater Communities in Action – Dufferin County Active Transportation and Trails (DCATT) Master Plan

Mr. James Herman was in attendance to address Council with respect to the Dufferin County Active Transportation and Trails Master Plan. He

outlined the visions and goals of the study, presented a map of proposed facility types throughout the County and summarized the report recommendations.

A public presentation of the report will be held on June 12, 2010 and invitations will be going out soon.

Councillor Haddock inquired as to why the Town of Mono Trail Master Plan was not taken into consideration, and why the lower tier municipalities were not consulted prior to coming to the County. Mr. Herman noted that they will be consulted.

Councillor Crewson arrived during the presentation (7:18 p.m.).

4.5. Department Head Presentation: Treasury Department

Mr. Alan Selby, Treasurer, did a presentation on the activities of the Treasury Department.

4.6. Delegation – Mr. Charles Powell, Glaholt Barristers & Solicitors Re: Tender No. PW-10-04 – Pavement Rehabilitation County Roads 2, 9, and 21.

Mr. Charles Powell, Glaholt Barristers and Solicitors addressed Council with respect to Tender PW-10-04, the pavement rehabilitation of County Roads 2, 9 and 21. He noted he was in attendance on behalf of his clients GCCL Contracting Limited, who has concerns that the tender was not awarded to them, as the low bidder. He stated his client earned the right to do the work, but needed calculations. He asked if there were undisclosed criteria being used. He asked that Council table the recommendation in the staff report.

Warden Taylor informed Mr. Powell that the report recommendation was based upon the advice of the solicitor and will be discussed during the Public Works Committee Report.

5. PUBLIC QUESTION PERIOD

Mr. Peter Turrell, resident of East Luther Grand Valley noted his concern with the forest conversation by-law. He asked if the by-law is endorsed, would a public meeting be held. He also noted that the word “may” grant permission, instead of “shall” could leave it open for personal bias. He inquired about the two business days notice to cut trees on private property. He also asked why tax dollars were being used when the County does not have the resources to enforce the by-law.

Mr. Charles Hooker said he had submitted his comments by email with respect to his major concerns about the forest conservation by-law. He then asked why Melancthon doesn't have a tree cutting by-law. Warden Taylor replied that this concern would have to be directed to Melancthon Council.

Mr. Ronald Young, a resident of East Luther Grand Valley, noted that he was dismayed that Council had been discussing the control of trees on his property that he had planted over 50 years ago. He said that they need to go back to the beginning and think about what they are doing.

PRESENTATION AND CONSIDERATION OF REPORTS

6. GENERAL GOVERNMENT SERVICES – April 26, 2010

Moved by Councillor Maycock, seconded by Councillor Haddock

THAT the General Government Services minutes of April 26, 2010, and the recommendations set out, exclusive of Item #1 be adopted.

-Carried-

7. GENERAL GOVERNMENT SERVICES – April 26, 2010 – Item #2 **Ambulance Cross Border Billing Agreement/Release Regional Municipality of Waterloo**

That the report of Linda J. Dean, Chief Administrative Officer and Tom Reid, Director of Emergency Services (Ambulance) dated April 26, 2010 regarding the Ambulance Cross Border Billing agreement with the Regional Municipality of Waterloo, be received;

And that the appropriate bylaw be presented to County Council.

8. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #3 **IT Staffing Update**

THAT the report of the Chief Administrative Officer, dated April 26, 2010, IT Staffing Update, be received;

AND THAT the IT Supervisor position be replaced with an IT Manager.

9. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #4 **RFP – Cellular Services and Related Hardware**

THAT the report of the County Clerk dated April 26, 2010, regarding the Broadband Project Update, be received;

AND THAT WPCI, Barrie, Ontario, be awarded the RFP for cellular service and hardware.

**10. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #5
Broadband Update**

THAT the report of the County Clerk dated April 26, 2010, regarding the Broadband Project Update, be received;

AND THAT an agreement be entered into with BXI in relation to the Broadband Funding Intake 2 in the form substantially attached to this report, subject to review by the County's solicitors and subject to approval of a technical plan by OMAFRA;

AND THAT the Warden and Clerk be authorized to execute the agreement.

**11. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #6
Request for Use of Whitfield Tower**

THAT the report of the County Clerk dated April 26, 2010, regarding a Request to Use the Whitfield Tower, be received;

AND THAT staff develop a template to be used for licence agreements for cell/broadband providers to use County structures to house equipment;

AND THAT staff investigate the costs that could be recovered report back to the Committee.

**12. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #7
Tax Rebate Program for 2010**

THAT the Treasurer's report dated April 26, 2010 with respect to the 2010 Tax Rebate Program be received,

AND THAT the eligibility threshold remain for any tax increases above \$50 for 2010.

**13. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #8
Grant Research Update**

THAT the Treasurer's report dated April 26, 2010 with respect to Grants Research Update be received.

**14. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #9
Canadian Wireless Integrators Inc. – OMAFRA Funding**

THAT the correspondence from Canadian Wireless Integrators Inc. dated April 15, 2010 with respect to the OMAFRA funding in Dufferin County, be received.

15. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #10
DCAFS – Request for Financial Contribution

THAT the correspondence from Dufferin Child & Family Services (DCAFS) dated April 14, 2010 requesting a financial contribution to assist with the purchase of their building, be received.

16. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #11
AMO – Joint and Several Liability Paper

THAT the Joint and Several Liability Paper conclusion that Ontario municipalities call on the Government to reform joint and several liability as it exists today, with a particular regard for the impact it has on ‘deep pocket’ property taxpayers and their communities, be supported.

17. GENERAL GOVERNMENT SERVICES –April 26, 2010 – Item #12
Thank You for 2010 Funding Grant

THAT the correspondence from Caledon/Dufferin Victim Services, dated March 16, 2010 and Highlands Youth for Christ thanking Council for the 2010 Funding Grants, be received.

18. GENERAL GOVERNMENT SERVICES – April 26, 2010 – Item #1
Building Permit Fees

Information requested at the April 26, 2010 General Government Services meeting with respect to proposed changes to the Building Permit Fees was circulated with the agenda.

Mr. Albert Bax, Montgomery Homes addressed Council with respect to a grace period before the new permit fees come into effect.

Moved by Councillor Haddock, seconded by Councillor Montgomery

THAT Building Permit Fees be increased by 25%, and increased an additional 25% on January 1, 2011;

AND THAT a by-law establishing the new Building Permit fees be presented at the next County Council meeting.

-Carried-

Councillor Hill asked that the General Government Services committee look into the possible allocation of a portion of the Chief Building Official’s salary to other work being done by the County.

19. PUBLIC WORKS COMMITTEE – April 27, 2010

Moved by Councillor Fawcett, seconded by Councillor MacIver

THAT the Public Works minutes of April 27, 2010, and the recommendations set out, exclusive of Items #1 and #4, be adopted.

-Carried-

20. PUBLIC WORKS COMMITTEE – April 27, 2010 – ITEM #2
Street Lugging - Road #21

THAT Report PW-10-11, Street Lugging - Road #21 , from the Director of Public Works dated March 23, 2010 be received;

AND THAT the County of Dufferin support the request before the Ontario Good Roads Association and the Association of Municipalities of Ontario to support the request to revise the definition of “vehicle” under the Highway Traffic Act to include long boards/street luges.

21. PUBLIC WORKS COMMITTEE – April 27, 2010 – ITEM #3
Award of Tenders (PW-10-02, 03, and 07)

THAT Report PW-10-12, Award of Tenders, for tenders: PW-10-02 Dome Shingling, PW-10-03 Reconstruction Road 12, and PW-10-07 Shoulder Gravel from the Director of Public Works, dated April 27, 2010, be received.

22. PUBLIC WORKS COMMITTEE – April 27, 2010 – ITEM #5
OGRA Fund for Bridge Infrastructure Data

THAT the County of Dufferin hereby applies for funding for the purpose of collecting, collating, compiling and formatting bridge asset and condition data, and agrees to submit bridge asset and condition data for inclusion in Municipal DataWorks by March 31, 2011.

23. PUBLIC WORKS COMMITTEE – April 27, 2010 – ITEM #1
Dufferin County Active Transportation and Trails (DCATT) Master Plan

Moved by Councillor Haddock, seconded by Councillor Montgomery

THAT the draft Dufferin County Active Transportation and Trails (DCATT) Master Plan be received;

AND that the draft Master Plan be made available for public review and comment on the County website and at the County’s offices and be presented at the June County Council meeting;

AND THAT a digital copy of the draft Master Plan be issued to the local municipalities, adjacent municipalities, the Ontario Ministry of Transportation (Policy Branch and Design Branch), and local school boards;

AND THAT the Warden write a letter to the Province of Ontario encouraging the creation of bike lanes on Provincial roadways.

-Carried-

24. PUBLIC WORKS COMMITTEE – April 27, 2010 – ITEM #4
Award of Tenders (PW-10- 05 and 06)

Moved by Councillor Crewson, seconded by Councillor Adams

THAT Report PW-10-13, Award of Tenders, for tenders PW-10-04 Pavement Rehabilitation Roads 2, 9 and 21, PW-10-05 Deep Cold In Place and PW-10-06 Misc. Hot Mix Laurel, Road #10 and Mansfield from the Director of Public Works, dated April 27, 2010, be received;

AND THAT tender PW-10-05 be awarded to Municipal CIP Recycling and tender PW-10-06 be awarded to GCCL at revised amounts to include 5.8 kilometres of Road #10;

AND THAT any remaining funds be transferred to the ROAD #12 project to offset the 2011 cost carry-over.

-Carried-

25. MUSEUM BOARD – April 28, 2010

Moved by Councillor Oosterhof, seconded by Councillor McGhee

THAT the Museum Board minutes of April 28, 2010, and the recommendations set out, exclusive of Item #1 be adopted.

-Carried-

26. MUSEUM BOARD – April 28, 2010 – Item #2
DCMAHL Quarterly Report

THAT the DCMAHL Quarterly Report for the period January 1 to March 31, 2010 be received.

27. MUSEUM BOARD – April 28, 2010 – Item #1
Draft Forest Conservation By-law

Moved by Councillor Kolodziechuk, seconded by Councillor Haddock

THAT in Section 21 (a), (c) and (d), the minimum fines be removed from the draft Forest Conservation By-law.

-Carried-

28. Moved by Councillor Kolodziechuk, seconded by Councillor Haddock

THAT in the definition of Woodland, Section 1 (aa), delete “irrespective of ownership” in the draft Forest Conservation By-law.

-Lost-

29. Moved by Councillor Kolodziechuk, seconded by Councillor Hill

THAT it state in the draft Forest Conservation By-law, “all complaints be submitted in writing”.

-Carried-

30. Moved by Councillor Haddock, seconded by Councillor Adams

THAT the draft Forest Conservation By-law be circulated to the lower tier municipalities for comments.

-Carried-

31. Moved by Councillor Crewson, seconded by Councillor Haddock

THAT in Section 10 of the draft Forest Conservation By-law, the word “may” be changed to “shall”.

-Carried-

32. CLOSED SESSION

Moved by Councillor Adams, seconded by Councillor MacIver

THAT Council move into closed session in accordance with Section 239 (e) litigation or potential litigation (8:55 p.m.)

-Carried-

33. COUNCIL TO RISE FROM CLOSED SESSION

Moved by Councillor Adams, seconded by Councillor Haddock

THAT Council move into open session (9:15 p.m.)

-Carried-

34. BUSINESS ARISING FROM CLOSED SESSION

Moved by Councillor Haddock, seconded by Councillor Kolodziechuk

THAT the award of tender PW10-04 Pavement Rehabilitation, Roads 2, 9 and 21 be deferred until an amicable solution is reached with GCCL;

AND THAT the Warden and CAO be delegated authority to award the tender if the concerns of GCCL have been resolved subject to confirmation by the County Solicitor;

AND THAT in the event that the issues are not resolved, that the matter be brought back to the next meeting of Council.

-Carried-

35. COMMUNITY DEVELOPMENT COMMITTEE – April 29, 2010

Moved by Councillor Crewson, seconded by Councillor McGhee

THAT the Community Development Committee minutes of April 29, 2010, and the recommendations set out, be adopted.

-Carried-

**36. COMMUNITY DEVELOPMENT COMMITTEE – April 29, 2010 – Item #2
Waste Management Forum – Municipal Perspective on Integrated Countywide
Solution**

THAT the report from Track Strategy summarizing the Waste Management Forum held on March 27, 2010 in Shelburne, be received;

AND THAT copies be circulated to local municipalities.

**37. COMMUNITY DEVELOPMENT COMMITTEE – April 29, 2010 – Item #3
DEEP Update – April 29, 2010**

THAT the report CDC-10-06, DEEP Update - April 29 from the Director of Public Works dated April 29, 2010 be received.

**38. COMMUNITY DEVELOPMENT COMMITTEE – April 29, 2010 – Item #4
Feasibility Study – Peer Review**

THAT the report CDC-10-07, Feasibility Study – Peer Review from the Director of Public Works date April 29, 2010 be received;

AND THAT the peer review be completed by Genivar at a price of \$9,000 to be taken from the waste reserve.

39. COMMUNITY DEVELOPMENT COMMITTEE – April 29, 2010 – Item #5
Alter NRG - March 17, 2010

THAT the correspondence dated March 17, 2010 from Alter NRG in response to a letter from Joan Lever dated March 4, 2010, be received.

40. COMMUNITY DEVELOPMENT COMMITTEE – April 29, 2010 – Item #6
Confidential Report CDC-10-15

THAT staff be instructed to carry out the direction discussed in the closed session and report back to Committee at the next meeting.

41. COMMUNITY DEVELOPMENT COMMITTEE – April 29, 2010 – Item #7
Westinghouse Research Facility Tour

THAT invitations to the June 16, 2010 tour of the Westinghouse Research facility in Madison Pennsylvania be sent to the members of the Community Development Committee and local councils;

AND THAT the cost of the tour be funded from the waste reserve.

42. Dufferin Oaks Administrator – Request for Proposal for Pharmacy Services

A report from the Administrator dated May 13, 2010 with respect to a request for proposal for Pharmacy Services.

Moved by Councillor Adams, seconded by Councillor Maycock

THAT the Contract for the provision of Pharmacy Services for Dufferin Oaks be awarded to Jeffer's Pharmacy of Orangeville;

AND THAT County Council authorize the execution of the necessary by-law.

-Carried-

43. Treasurers Report – 1st Quarter 2010 Financial Update

A report from the Treasurer dated May 13, 2010 with respect to the first quarter 2010 financial update.

Moved by Councillor Kolodziechuk, seconded by Councillor Maycock

THAT the report from the Treasurer dated May 13, 2010 with respect to the first quarter 2010 financial update, be received.

-Carried-

44. Verbal Reports from Outside Boards

Wellington Dufferin Guelph Public Health

Warden Taylor reported the Health unit has started the process of strategic planning for the next few years.

Hills of Headwaters Tourism

Warden Taylor reported the meeting will be held tomorrow, so there is nothing to report at this time.

Chamber of Commerce

Councillor Oosterhof reported that the last meeting was cancelled and they are still working on the planning issue.

Western Ontario Warden's Caucus

Warden Taylor reported the caucus is focusing on OMF grants, the LHINS and economic development.

Niagara Escarpment Commission

The Warden noted that an update from David Baldwin was circulated with the agenda.

CORRESPONDENCE

45. Upper Grand District School Board (UGDSB) – Trustee Determination and Distribution

- 45.1.1.** Copy of email from Councillor Kolodziechuk dated April 26, 2010 with respect to the UGDSB Trustee Representation for Dufferin County.
- 45.1.2.** Orangeville Banner Article – Number of Dufferin Trustees Decreasing – March 31, 2010
- 45.1.3.** UGDSB Report – Trustee Determination and Distribution for the Upper Grand District School Board for 2010 and Excerpt from the March 23, 2010 UGDSB Minutes.

Warden Taylor gave an overview of the Upper Grand District School Board Trustee determination for the school within the County of Dufferin.

46. AMO – Bill 16 Proposes Transfer of OHIP and Related Costs to Municipalities

Email correspondence from AMO date May 5, 2010 with respect to Bill 16, which proposes amendment to the Insurance Act that would permit the transfer of

OHIP cost to municipal governments was circulated with the agenda. It was noted that this legislation has since been withdrawn.

47. East Garafraxa Resident – Forest Conservation By-law

Correspondence from Mr. Charles Hooker dated May 11, 2010 with respect to the Forest Conservation By-law was circulated with the addendum.

NOTICE OF MOTIONS

MOTIONS

Brought forward from the April 8, 2010 Council Meeting.

48. Moved by Councillor Kolodziechuk, seconded by Councillor Montgomery

THAT the Chief Administrative Officer provide a report on the County of Dufferin Committee system, with possible alternatives, including a Committee of the Whole system.

-LOST-

The Notice of Motion brought forward at the April 8, 2010 Council meeting by Councillor Crewson with respect to rescinding the motion passed at the November 13, 2008 Council meeting that single-use bottled water no longer be available in facilities under the control of the County of Dufferin was withdrawn.

BY-LAWS

By-law 2010-12 the Forest Conservation by-law and By-law 2010-22, a by-law to amend 2005-25 with respect to building permit fees were removed.

2010-18 A by-law to approve an agreement between the Corporation of the County of Dufferin and Jeffers' Pharmacy Limited for Pharmacy Services at Dufferin Oaks.
(Authorization: Council - May 13, 2010)

2010-19 A by-law of the Corporation of the County of Dufferin to authorize the Applications for Approval to Expropriate certain lands in the Township of Mulmur, County of Dufferin, for the purpose of Bridge improvements, at the Boyne River Bridge (Ludlow Bridge) on the Mulmur-Tosorontio Townline, as required.
(Authorization: Public Works – March 23, 2010)

2010-20 A by-law to provide for a rebate of a portion of property tax increases for low-income seniors and low-income persons with disabilities, for the year 2010.

(Authorization: General Government Services – April 26, 2010)

2010-21 A by-law to approve an agreement between the Corporation of the County of Dufferin and The Corporation for The Regional Municipality of Waterloo for Cross Border Billing (Ambulance Services).

(Authorization: General Government Services – April 26, 2010)

49. Moved by Councillor Maycock, seconded by Councillor Fawcett

THAT By-laws 2010-18 to 2010-21, inclusive, be read a first, second and third time and enacted.

-Carried-

50. OTHER BUSINESS

Councillor Crewson reminded Council that June 16, 2010 is the tour of the Westinghouse Research Facility tour in Pittsburgh. Invitations have been forwarded to all local municipalities.

51. CLOSED SESSION

The closed session minutes for the April 27, 2010 Public Works Committee meeting and the April 29, 2010 Community Development Committee meeting were circulated with the May 13, 2010 Council agenda. Since there was no discussion, Council did not move into Closed Session.

52. CONFIRMATORY BY-LAW

2010-22 A by-law to confirm the proceedings of the Council of the Corporation of the County of Dufferin at its meeting held on May 13, 2010.

Moved by Councillor Crewson, seconded by Councillor Oosterhof

THAT By-law 2010-22 be read a first, second and third time and enacted.

-Carried-

53. ADJOURNMENT

Moved by Councillor Hill, seconded by Councillor Fawcett

THAT the meeting adjourn (9:55 pm).

-Carried-

Next meeting: June 10, 2010 at 7:00 p.m.
Council Chambers, 51 Zina Street, Orangeville

Allen Taylor
Warden

Pam Hillock
Clerk