



**The Corporation of the Town of
South Bruce Peninsula
Meeting Number Sixteen
September 3, 2013**

The Council of the Corporation of the Town of South Bruce Peninsula met on Tuesday September 3, 2013 in the Municipal Council Chambers.

1. Call to Order

Mayor Close called the meeting to order.

Time 1:00 pm

2. Attendance and Regrets

It was noted that all members of Council were present except Councillor McKenzie and Councillor Kirkland.

3. Declaration of Pecuniary Interest and General Nature Thereof

Mayor Close asked Council to declare any pecuniary interest at this point in the meeting or when required and state the general nature of the pecuniary interest. No interests were noted at this time.

4. Closed Session

R-459-2013

It was **Moved** by K. Klages, **Seconded** by M. Bowman and **Carried**

That the Council of the Town of South Bruce Peninsula be authorized to proceed into Closed Session on September 3, 2013 in order to address a matter pertaining to:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board AND Advice that is subject to solicitor client privilege, including communications necessary for that purpose (Litigation Update)
- Personal matters about an identifiable individual, including municipal or local board employees (Administrator)

5. Proceed into Closed Session

R-460-2013

It was **Moved** by M. Standen, **Seconded** by K. Klages and **Carried**

That Council proceeds into closed session.

Time 1:02 pm

Under a delegation of authority, the Clerk/CEMC was not present during closed session for the discussion of the item titled "Administration". Administrator Farrow-Lawrence took minutes for this item.

Time 1:14 pm

6. Reconvene into Open Session

R-461-2013

It was **Moved** by M. Standen, **Seconded** by J. Turner and **Carried**

That the Council reconvenes to open session.

Time 1:22 pm

The Clerk returned to the meeting.

Time 1:22 pm

Break 1:22 pm
Reconvene 1:30 pm

7. Direction from Closed – Litigation Update

Mayor Close indicated that direction was given to the Administrator in Closed Session.

8. Direction from Closed – Administrator

Mayor Close indicated that direction was given to the Administrator in Closed Session.

9. Public Notice/General Announcements

No public notices or general announcements were given.

10. Adoption of Minutes-Regular Council

Mayor Close clarified that Northern Bruce Peninsula did not appoint a Councillor to the Biosphere Association. The Councillor is attending on his own. This is a clarification and does not require a change in the minutes.

R-462-2013

It was **Moved** by M. Bowman, **Seconded** by K. Klages and **Carried**

That the minutes of the August 20, 2013 regular meeting of Council be adopted as received.

11. Adoption of Minutes-Committees of Council

Councillor Thomas asked for clarification with respect to the Heritage Committee minutes and about the quotes for the Oliphant Bench. Councillor Bowman indicated that it was tendered out and only one quote was received.

R-463-2013

It was **Moved** by K. Klages, **Seconded** by M. Bowman and **Carried**

That the minutes of Committees of Council as listed, be adopted as circulated:

Airport Joint Municipal Service Board – July 18, 2013
Airport Joint Municipal Service Board – August 8, 2013
Municipal Heritage Committee – July 19, 2013
Committee of Adjustment – March 27, 2013
Planning Advisory Committee – June 26, 2013

12. Delegations

There were no delegations scheduled.

13. FS25-2013 Fund Winter Control Stabilization Reserve

R-464-2013

It was **Moved** by J. Turner, **Seconded** by M. Standen and **Carried**

That Finance report FS25-2013 dated 3rd September 2013 regarding the funding of the Winter Control Stabilization Reserve be received;

And further that Council approves the funding of the Winter Control Stabilization Reserve in the amount of \$93,846 as identified by the Manager of Financial Services and Manager of Public Works.

14. PW29-2013 Projected Costs for In-House Garbage Collection-Unfinished Business

R-465-2013

It was **Moved** by J. Turner, **Seconded** by C. Thomas and **Carried**

That Council receives report PW29-2013 Projected Costs for In-House Garbage Collection-Unfinished Business as presented on September 3, 2013 for information only.

15. PW30-2013 OCWA Agreement Extension

R-466-2013

It was **Moved** by J. Turner, **Seconded** by C. Thomas and **Carried**

That Council receives report PW30-2013 OCWA Agreement Extension as information;

And further that Council authorizes a negotiated contract extension between the Ontario Clean Water Agency and the Town to the end of 2014.

16. PW31-2013 Results of the Tender for Repainting the Warton Water Tower

Council discussed the observations of the Manager of Financial Services which states that borrowing from reserves is not a good idea. They discussed the painting of the outside of the tower which appears not to be required at this time. Manager of Public Works Gray explained that he had spoken to the low bidder and he is willing to come down on his price so that the interior could be completed within budget. The interior is rusting and pitting; this was identified in 2010. Council questioned the Warton Water user rates as they relate to capital requirements. Manager of Financial Services Humble indicated that we will be looking at the rates in relation to accommodating future capital projects. This will be looked at in conjunction with the Asset Management program which will assess all future needs.

R-467-2013

It was **Moved** by J. Turner, **Seconded** by C. Thomas and **Carried**

That Council receives report PW31-2013 Results of the Tendering for Repainting the Warton Water Tower as information;

And further that Council authorizes the Manager of Public Works to move forward with the interior painting within the 2013 budget allocations for water tower painting.

17. PW32-2013 Results on the Tender for Sewage Lagoon Sludge Removal

Council discussed the fact that this is a user pay system and there are capital funds which are not adequate for everything which is required. One member felt that we should proceed only to the allocated funding upset limit. Manager of Financial Services Humble indicated that there are solid reasons for requesting the additional transfer. This is an operating expenditure and money should be set aside each year for future years. Nothing had been set aside previously and now there is a big expense. We need to properly plan for these types of expenses. Manager of Financial Services Humble indicated that the money in the reserve is earmarked for capital; this is operating and it doesn't meet the criteria to withdraw money from the reserve. There will be capital requirements identified in the Asset Management Plan for which we will require this money. Manager of Public Works Gray indicated that we have to pay for the lagoons to be cleaned out sometime. On a technical side, he would like to see Option 1

(as presented in his report), however, something has to be done this year. A member of Council asked how we would see that we get value when the project would not be totally completed. Manager of Public Works Gray indicated that the contractor is paid on a dry tonnage rate. Since OCWA will do the contract administration, they will have to stay on top of the upset limit. Council asked about loan costs should Council decide to take out a loan and what the amortization costs would be. Manager of Financial Services Humble indicated that traditionally, municipalities don't borrow to fund operations. Manager of Public Works Gray has estimated that if we do a partial clean out, he estimates 8-10 years but it is unknown. Council discussed the infrastructure requirements. Manager of Public Works Gray explained the aeration equipment in the lagoons and the fact that without the lagoons empty, the aeration equipment would not be removed. Council discussed what would happen if the aeration system fails. Manager of Public Works Gray indicated that if we empty the system completely, it is part of the tender to replace the aeration heads. We are surprised by the amount of sludge in the lagoon from the last time it was cleaned; it is felt that something is not working and the main cause is felt to be the aeration. We are getting algae blooms. OCWA was struggling with algae in the winter. Manager of Financial Services Humble indicated that if we use the reserves for this process, we would not be able to do other capital projects. Manager of Public Works Gray indicated that we would not pump the lagoons out until the summer; the time to do the work was extended until next summer and he can't enter into a contract until there is budget. Manager of Financial Services Humble indicated that we could budget the balance of the project next year so that there is pre-budget approval. The sludge removal for 2013 was budgeted from operating revenues.

R-468-2013

It was **Moved** by J. Turner, **Seconded** by M. Standen and **Carried**

That Council receives report PW32-2013 Results of the Tender for Sewage Lagoon Sludge Removal as information;

And that Council authorizes the Manager of Public Works to proceed with a contract for Cell #1 sludge removal in the amount of \$449,680 from the 2013 budget;

And further that Council gives 2014 operating pre-budget approval in the amount of \$236,604 under Equipment Maintenance 10-45-362000.

18. ADM40-2013 Revised Organizational Structure

Council questioned who the employees below the Deputy Manager of Public Works would report to. Administrator Farrow-Lawrence indicated that a staff report and business case would be required prior to the position being re-instated. The Manager of Public Works has not yet determined how this position would be described; the supervisory duties may be different than the current job description. This will be a budget requirement. Manager of Financial Services Humble indicated that the position

has been approved but there were no monies budgeted for 2013. Council discussed the importance of looking at the entire budget prior to adding staffing. Administrator Farrow-Lawrence indicated that this new organizational chart would take effect immediately.

R-469-2013

It was **Moved** by M. Standen, **Seconded** by J. Turner and **Carried**

That Council accepts the revised Organization Chart which specifies the management and reporting structure for the Town of South Bruce Peninsula as presented on September 3, 2013.

19. ADM44-2013 Temporary Placement in a Position

Councillor Turner left the Council table.

Time 2:09 pm

R-470-2013

It was **Moved** by C. Thomas, **Seconded** by M. Standen and **Carried**

That the necessary by-law to amend the Municipal Policy Manual By-Law Number 44-2009 to amend Policy AD.10.1 Temporary Placement in a Position be placed on an upcoming Council meeting for consideration

Councillor Turner returned to the Council table.

Time 2:10 pm

20. CLK85-2013 Procedural By-Law

Council questioned the provisions in item A2.6.2 and why applause would not be permitted. Administrator Farrow-Lawrence indicated that this came up at one of the workshops she attended at AMCTO. Sometimes people can use applause as a distraction and it can be aimed at others in the audience and not in a complementary manner. She indicated that audience members could use their "jazz hands" as a method of quiet agreement.

Council questioned A12.5 and indicated that Town Hall receives a number of items of correspondence which are not forwarded to Council. It was wondered how a member of Council could bring a correspondence item to the table. The Clerk/CEMC explained that this item clarifies the fact that staff are directed by Council as a whole. If members of Council wish to discuss items, they would be brought forward as notices of motion or reports.

Council questioned A21.4 A member of Council does not want the notice of motion provision to be removed. The Clerk/CEMC explained that sometimes notices of motion are put forward at a meeting and then Council is asked to waive the Procedural By-Law

to deal with the item at the same meeting. This dispenses with the idea of notice as members of the public do not know about the item as there is no notice. Also, staff are not prepared to discuss the item. The Clerk/CEMC explained the fact that if something had to come to the meeting without previous notice, it could be placed under matters of urgency. The notice of motion would be given to the Clerk's Department in time for the agenda. The member of Council feels that she has put forward information previously and has been told that the items would not hit the agenda. On a show of hands, Council decided that the section with regard to notice of motion will be changed to incorporate "Notices of motion will be permitted to be placed on the table at any meeting however Council will not be permitted to waive the Procedural By-Law to hear the notice of motion at that meeting."

Council questioned A21.12 and the fact that this would permit a member of Council to put forward a motion during discussion. The motion would need to be germane to the conversation.

Administrator Farrow-Lawrence discussed A9.2 with respect to the Closed Session timing. She asked if Council wanted to have a designated time to complete Closed Session instead of at the end of the meeting. Mayor Close indicated that flexibility is needed.

Administrator Farrow-Lawrence discussed A11 with respect to recording of meetings. She indicated that an option would be to have no member of the public except the designated media being permitted to record. This would not include cell phones as people would not accidentally leave a cell phone behind. Council discussed having a policy to scan the room prior to moving into closed. All members of Council agreed to add a clause to A11 with respect to scanning the room prior to moving into Closed Session.

Administrator Farrow-Lawrence discussed A2.6.10 with respect to an elaboration on what would happen if someone was to be removed from a meeting. She indicated that more specific consequences could be noted instead of leaving the consequences to Council discretion. She indicated that this would set a standard. The Clerk/CEMC indicated that she has taken the code of conduct information from larger city centres who have their by-laws vetted by their City solicitor. Council discussed possibly reading the code of conduct at the beginning of the meeting and posting the code in the Chambers.

R-471-2013

It was **Moved** by C. Thomas, **Seconded** by J. Turner and **Carried**

That the Clerk be directed to advertise a public meeting with respect to the intention to pass a Procedural By-Law;

And further that the necessary by-law to provide for the rules and order of procedure be placed on an upcoming Council agenda for consideration.

21. CLK86-2013 Septic Re-Inspection By-Law, Couch Delegation

R-472-2013

It was **Moved** by M. Standen, **Seconded** by J. Turner and **Carried**

That Council thanks Mr. Couch for his delegation to Council with respect to the Septic Re-Inspection Program;

And further that Council will not be making changes to the by-law at this time to exempt those with Waterloo Biofilter systems from the requirements to be inspected and pay for the inspection.

22. CLK88-2013 Noise By-Law Update

Council discussed provision 5.3.11. The member felt that refrigeration units are separate units and do not relate to the engine of the truck. Mayor Close indicated that there are commercial vehicles where the vehicles are not separate. The member of Council wants the By-Law Enforcement staff to ensure that the refrigeration units are not powered by the engine and if not, they would be ticketed if there is idling. Council discussed the fact that the By-Law Enforcement Officer does not have the power of entry. If she is asked to leave a property, she must leave and issue a summons. Council discussed the fact that the staff are not available in the night to enforce the by-law.

R-473-2013

It was **Moved** by M. Standen, **Seconded** by J. Turner and **Carried**

That the necessary by-law to prohibit and regulate unusual noises or noises likely to disturb the inhabitants of the Town be placed on an upcoming Council agenda for consideration.

23. Items Referred – CLK83-2013 Bus Loading and Unloading Zone, Traffic By-Law Update

Council discussed making an exemption for the Chamber and the fact that the exemption does not limit the number of stops, the times and loading or unloading. The Chamber is using a bus to shuttle people. Council discussed the Chamber's potential exemption. The Clerk/CEMC explained that without the exemption, the shuttle bus would need to follow the signed bus route. Council discussed school buses and the fact that they would need to follow the prescribed routes. A definition of shuttle would be

required and perhaps a further clarification of school bus routes would be required to the proposed by-law.

It was **Moved** by M. Bowman, **Seconded** by K. Klages and **Deferred**

That the necessary by-law to regulate the parking, stopping and standing of vehicles be placed on an upcoming Council agenda for consideration.

24. By-Laws-First and Second Reading

R-474-2013

It was **Moved** by K. Klages, **Seconded** by M. Bowman and **Carried**

That the following by-laws be read a first and second time:

By-Law 96-2013 Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (All-Terrain Wheelchair Policy)

By-Law 97-2013 Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Vehicle and Travel Expenses)

By-Law 98-2013 Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Accounts Receivable Collection Policy)

By-Law 99-2013 Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Purchasing Policy)

By-Law 100-2013 Being a By-Law to Authorize the Mayor and Clerk to Sign Land Transfer Deeds for the Sale of Surplus Property known as Schell Ave and Unnamed Road in PI 403

By-Law 101-2013 A By-Law to Authorize the Mayor and Clerk to Sign a Site Plan Control Agreement with Pamela Fritz for Pt Lt 15 Con 5 Amabel as in R219195 except easement therein; South Bruce Peninsula, PIN 33159-0143 (LT)

25. By-Laws-Third Reading

R-475-2013

It was **Moved** by M. Bowman, **Seconded** by K. Klages and **Carried**

That By-Law 96-2013, By-Law 97-2013, By-Law 98-2013, By-Law 99-2013, By-Law 100-2013 and By-Law 101-2013 be read a third time and finally passed

26. Matters of Urgency–ADM45-2013 Wiarton Sewer Upgrade Project – Consultation Process

R-476-2013

It was **Moved** by K. Klages, **Seconded** by M. Bowman and **Carried**

That the Town of South Bruce Peninsula authorizes staff to initiate a consultation process immediately with Aboriginal groups who have an interest in the Town of South Bruce Peninsula such as the Saugeen Ojibway Nation and Metis of Ontario with regard to the proposed Wiarton Sewer Upgrade Project.

27. Notice of Motion

No notices of motion were presented.

28. Public Meetings

There were no public meetings.

29. Reports from Council Members

Councillor Bowman reminded Council that the Rural Roots Seminar promises to be excellent and is on September 14, 2013 at 9:00 am at the Wiarton Arena. She reminded everyone to attend if they are able.

Councillor Standen recognized the Hepworth Anglers for their grant received. There are excellent ecological benefits provided by the group at Spring Creek.

Councillor Turner indicated that he and Councillor Jackson met with the Joint Advisory Committee. There will be a meeting scheduled with Board staff and our staff to negotiate a new operating agreement. The timeline is November for a draft agreement to be brought back to the Joint Advisory Committee.

30. Upcoming Meetings

Council noted the upcoming meetings. The September 20, 2013 Heritage Committee meeting has been cancelled.

31. Unfinished Business

R-477-2013

It was **Moved** by K. Klages, **Seconded** by M. Bowman and **Carried**

That Council notes the contents of report CLK89-2013 Unfinished Business presented on September 3, 2013.

32. Confirmatory By-Law

R-478-2013

It was **Moved** by M. Bowman, **Seconded** by K. Klages and **Carried**

That By-Law 102-2013 Being a By-Law to Confirm the Proceedings of the Council of the Corporation of the Town of South Bruce Peninsula be read a first, second, third time and finally passed.

33. Adjourn

R-479-2013

It was **Moved** by M. Standen, **Seconded** by K. Klages and **Carried**

That the meeting adjourn.

Time 3:14 pm

_____ **Mayor**

_____ **Clerk**