



Council Meeting Minutes
Tuesday, May 3, 2011
9:30 a.m.
Council Chambers, Town Hall

Mayor M. Morrison
D. Beffort
N. deBoer
P. Foley
G. McClure
R. Mezzapelli
R. Paterak
A. Thompson
R. Whitehead

Chief Administrative Officer: D. Barnes
Director of Public Works & Engineering: C. Campbell
Legislative Administrator: B. Karrandjas
Director/Chief Financial Officer/Deputy CAO: R. Kaufman
Town Counsel/Director: N. Koltun
Director of Administration/Town Clerk: K. Landry
Manager of Economic Development: N. Lingard
Deputy Fire Chief: T. Lippers
Director of Recreation: K. Scott
Treasurer: F. Wong

Other Staff Present Specific Items Only
Economic Development Officer: S. Dolson
Heritage Resource Officer: S. Drummond
Senior Policy Planner: K. Kurtz
Acting Manager of Policy: T. Manley
Economic Development Officer: B. Roberts

1. **CALL TO ORDER**

Mayor Morrison called the meeting to order at 9:35 a.m.

2. **APPROVAL OF AGENDA**

Moved by N. deBoer - Seconded by A. Thompson

2011-269

That the agenda for the May 3, 2011 Regular Council Meeting, be approved.

Carried.

3. **DISCLOSURE OF PECUNIARY INTEREST** – None stated.

4. **CLOSED MEETING**

Council was in Closed Meeting from 9:37 a.m. to 9:40 a.m.

Moved by A. Thompson – Seconded by R. Mezzapelli

2011-270

That Council shall go into closed session under Section 239 of the *Municipal Act* for the purpose of:

- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried.

Moved by N. deBoer – Seconded by P. Foley

2011-271

That Council move into open session.

Carried.

5. **MATTERS ARISING FROM CLOSED MEETING**

1. Confidential Report TC-2011-022 re: Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Subdivision 43M-651 (Venta Investments Limited), Liability regarding Failure of Wall at 48/50 Bambi Trail, Bolton.

Moved by P. Foley – Seconded by R. Paterak

2011-272

That Confidential Report TC-2011-022 regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Subdivision 43M-651 (Venta Investments Limited), Liability regarding Failure of Wall at 48/50 Bambi Trail, Bolton, be deferred to the May 17, 2011 Council Meeting.

Carried.

6. PRAYER AND O CANADA

Councillor Whitehead opened the meeting with a prayer.

7. SUMMARY OF ADDENDUM ITEMS – No changes.

8. DISCLOSURE OF PECUNIARY INTEREST – None stated.

9. DELEGATIONS

1. Michelle Vivar, Rogers Telecommunications re: All locations within Caledon.

Moved by A. Thompson – Seconded by R. Paterak

2011-273

That the delegation of Michelle Vivar, Rogers Telecommunications regarding all locations within Caledon, be received.

Carried.

NOTE: Council suggested that if the proponent identifies more than one Town facility for the purpose of a Tower, that the request be dealt with simultaneously.

2. George Hanus, President & CEO and Gerald Pisarzowski, Vice President, Business Development, Greater Toronto Marketing Alliance re: 2010 foreign direct investment and related activities.

Moved by A. Thompson – Seconded by N. deBoer

2011-274

That the delegation of George Hanus, President & CEO and Gerald Pisarzowski, Vice President, Business Development, Greater Toronto Marketing Alliance regarding 2010 foreign direct investment and related activities, be received.

Carried.

3. Caledon Community Living Month – Flag Raising.

A presentation to thank Council for its support took place in the foyer.

10. COUNCIL COMMUNICATIONS/INQUIRIES AND ANNOUNCEMENTS

- 10.1 Announcements - None.
10.2 Urgent Business - None.
10.3 Notices of Motion – printed with the agenda.

- (i) Councillor Paterak re: Town Crier.

Moved by R. Whitehead – Seconded by A. Thompson

2011-275

That the Notice of Motion regarding the retaining of a Town Crier be deferred to the May 17, 2011 Council Meeting.

Carried.

NOTE: Staff were requested to obtain information on the potential costs.

- 10.4 Notices of Motion – presented at meeting - None.

- 10.5 Council Inquiries:

- (i) Road Closure

Councillor Paterak requested staff to follow up and advise whether Orpen Lake Road is closed, as access is obstructed by a gate.

(ii) Election Signs

Councillor Whitehead inquired when the matter regarding election signs would be coming to a Council Workshop.

Karen Landry, Director of Administration/Town Clerk advised that the workshop is currently scheduled for September 20, 2011.

(iii) Enbridge Gas

Councillor Mezzapelli advised that he was of the understanding that Enbridge will be delegating Council on May 17th regarding Drain Water Heat Recovery. Councillor Mezzapelli requested that developers/builders be invited to this meeting.

(iv) Thank you

Councillor Thompson thanked staff for their attendance and participation at the MTO hosted Public Information Meeting regarding Valleywood & Smart Centres Bridge.

(v) Signage

Councillor deBoer inquired about when signs can come down regarding various Planning application matters and provided an example of the notice sign for the Rezoning and OP in the Coleraine/Harvest Moon area.

Councillor deBoer also inquired about the length of time that infrastructure project signs had to remain posted.

(vi) Delegations – Questions of Clarification

Councillor Beffort suggested that the time limit for delegates should be adhered to particularly when it comes to members of Council asking only questions of clarification and refraining from commenting on the matter.

Karen Landry, Director of Administration/Town Clerk advised that the procedural by-law currently provides delegates with 5 minutes to speak followed by a 10 minute period for clarification. Debate is not permitted at this time.

Councillor Whitehead suggested that a Motion be brought forward to the next Council Meeting regarding extending the time permitted to delegate from 5 minutes to 10 minutes.

Councillor Thompson suggested that at this time Council should also consider the elimination of Public Question Period as there is an established process for registering to delegate Council.

Councillor Thompson noted that while attending Councillor Orientation training through AMO during the last term of Council, it was recommended that there be one standard process for delegating/addressing Council.

Mayor Morrison advised that as Chair she will enforce the rules adopted and encouraged members of Council to assist by assuming responsibility for adhering to the rules.

Councillor Foley suggested that if Public Question Period is not eliminated that a framework should be established to regulate the amount of time given to make an inquiry and to require it to be related to a matter listed on the agenda.

Councillor Foley noted that registering as a delegate and having information ahead of time regarding the topic provides an opportunity to obtain background information and answer or recommend a course of action at the time the delegate appears resulting in effective use of the delegates, Council and staff's time.

11. **REGULAR BUSINESS**

1. ADM-2011-028 re: Response to Council Inquiry – Establishment of a Tourism Committee.

Moved by D. Beffort – Seconded by R. Paterak 2011-276

That Report ADM-2011-028 regarding Response to Council Inquiry - Establishment of a Tourism Committee, be received; and

That a Tourism Committee not be established.

Carried.

2. ADM-2011-030 re: Ice Cream Truck Licensing.

Moved by A. Thompson – Seconded by R. Mezzapelli 2011-277

That Report ADM-2011-030 regarding Ice Cream Truck Licensing, be received; and

That a public information meeting be held on June 15, 2011 for the purpose of obtaining feedback on the proposed licensing provisions; and

That staff report back in July 2011 on the results of the public information meeting.

Carried.

3. ADM-2011-031 re: Update to Staff Appointment By-law.

Moved by A. Thompson – Seconded by P. Foley 2011-278

That Report ADM-2011-031 regarding an update to the staff appointment by-law, be received; and

That Council enact a by-law to:

- a) Appoint Lynn Robinson-Beaton, Tanya Adamiak and Katie Roberts as Lottery Licensing Officers and Business Licensing Officers and Officials;
- b) To revoke the appointment of Jaime Flood as Livestock and Poultry Valuer and Municipal By-law Enforcement Officer and Peace Officer;
- c) To revoke the appointment of Carol Mohr as Tax Collector; and
- d) Appoint Donna Rivada as Tax Collector.

Carried.

NOTE: Council requested that in the future, consideration be given to providing enforcement coverage on weekends and that the associated costs be included in the 2012 Operating Budget.

4. CS-2011-025 re: Bolton Business Improvement Area Proposed 2011 Operating Budget.

Moved by P. Foley – Seconded by R. Mezzapelli 2011-279

That Report CS-2011-025 regarding the Bolton Business Improvement Area Proposed 2011 Operating Budget be received; and

That the Bolton Business Improvement Area (Bolton BIA) 2011 Operating Budget in the amount of \$78,000 be approved as outlined in Appendix A of Report CS-2011-025; and

That the Bolton BIA 2011 Operating Budget be funded by a special tax rate levy of \$78,000 to be included in the 2011 Final Tax Levy By-law; and

That Town staff be authorized to advance half of the Bolton BIA's 2011 Operating Budget in the amount of \$39,000, to the Bolton Business Improvement Area Board of Management upon receipt of the 2010 audited financial statements; and

That Town staff be authorized to advance the remaining \$39,000 to the Bolton BIA Board of Management upon receipt of the 2011 special tax rate levy.

Carried.

5. PD-2011-035 re: Recommendations for Allocation of Designated Heritage Property Grant Program Funds.

Moved by R. Paterak – Seconded by R. Mezzapelli

2011-280

That Report PD-2011-035 regarding Recommendations for Allocation of Designated Heritage Property Grant Program Funds, be received; and

That Council approve grants for the following designated heritage properties, funded from the Designated Heritage Property Grant Program account 180.80.802.002.2319 in the amount of \$30,000:

- \$4,000 to St. James Anglican Parsonage, 15 Emma Street
- \$1,110 to King-Brown House, 14411 Creditview Road
- \$2,430 to Unicorn House, 14575 Creditview Road
- \$4,000 to Hector McLeish Property, 17153 Horseshoe Hill Road
- \$4,000 to Caledon Agricultural Society Building, 18297 Hurontario Street
- \$4,000 to Caledon Village Creamery, 18314 Hurontario Street
- \$4,000 to Melville White Church, 15962 Mississauga Road
- \$4,000 to Alton Mechanic's Institute, 1456 Queen Street West
- \$820 to Ridge House, 18260 Hurontario Street
- \$820 to Cranston-Moses-Graham House, 16024 Airport Road
- \$820 to Joseph Watson Property, 45 Nancy Street; and

That Council direct staff to report to Council with revisions to the Designated Heritage Property Grant Program Guidelines addressing criteria associated with eligible work undertaken out of necessity between application rounds.

Carried.

6. PD-2011-037 re: Caledon Official Plan Amendment Number 226 and Regional Official Plan Amendment Number 20, 22, and 24 – Ontario Municipal Board Hearing – External Legal Counsel.

Moved by P. Foley – Seconded by N. deBoer

2011-281

That Report PD-2011-037 regarding Regional Official Plan Amendment Number 20, 22 and 24 and Caledon Official Plan Amendment Number 226 – Ontario Municipal Board Hearing – Retainer of Davis LLP, be received; and

That a contract for external Legal Counsel for Ontario Municipal Board (OMB) prehearing work related to appeals on Regional Official Plan Amendment Number (ROPA) 20, 22 and 24, in the amount of \$113,971.20 inclusive of non-recoverable HST, be awarded to Davis LLP funded from Legal Services operating budget account, 150.65.674.001.2318 (\$25,000) and a draw from the contingency reserve fund, account 003.03.003.001.5005 (\$88,971.20) if required at the end of 2011; and

That the contract with Davis LLP include an option for external Legal Counsel OMB hearing work related to appeals on ROPA 20, 22 and 24, in the amount of \$260,505.60 inclusive of non-recoverable HST, to be awarded in 2012; and

That a \$260,505.60 one-time unavoidable operating budget increase be approved for the Legal Services 2012 operating budget, account 150.65.674.001.2318 for the ROPA 20, 22 and 24 OMB hearings; and

That should both the OMB pre-hearing and hearings proceed in 2011, staff also be authorized to award the OMB hearing work related to appeals on ROPA 20, 22 and 24 in 2011 in the amount of \$260,505.60 inclusive of non-recoverable HST, funded from the contingency reserve fund (if required), account 003.03.003.001.5005 in lieu of an unavoidable increase to the 2012 operating budget; and

That the contract with Davis LLP also include an option to award Davis LLP the external Legal Counsel OMB hearing work related to appeals on Caledon Official Plan Amendment Number (OPA) 226; and

That staff report back to Council on the projected cost of the external Legal Counsel OMB hearing work related to appeals on OPA 226 upon conclusion of the ROPA 20, 22 and 24 OMB hearings or sooner, if possible; and

That Council enact a by-law authorizing the Mayor and Town Clerk to execute a contract to retain Davis LLP to provide external Legal Counsel to the Town of Caledon in respect of the appeals to the OMB of ROPA 20, 22 and 24, and OPA 226; and

That the Manager of Purchasing & Risk Management be authorized to prepare an agreement with Davis LLP to provide external Legal Counsel to the Town of Caledon in respect of the appeals to the OMB of ROPA 20, 22 and 24, and OPA 226; and

That a copy of Report PD-2011-037 be sent to the Region of Peel, City of Brampton, City of Mississauga, Ministry of Municipal Affairs and Housing and Solmar Development Corporation.

Carried.

NOTE: Council requested that the Town seek recovery of its costs in this matter.

NOTE: Council requested that staff through the Town page in the newspaper advise the public of the tax impacts related to costs associated with appearing before the Board in planning matters.

7. PW-2011-009 re: Award of Contract No. 2011-10, Sneath Road Pedestrian Bridge Repair.

Moved by N. deBoer – Seconded by P. Foley

2011-282

That Report PW-2011-009 regarding the results of Request for Tender 2011-10, Sneath Road Bridge Repair be received; and

That Contract No. 2011-10, be awarded to 616183 Ontario Inc. O/A Hollingworth Construction Co. in the amount of \$234,335.05 (inclusive of non-refundable H.S.T. amount), to be funded from 2010 capital project 10-88, account 005.05.006.030.1088; and

That Council authorize the correction of funding for closed capital project 08-04 via a \$100,707.38 tax levy funding transfer from project 10-88 to project 08-04 and a \$93,029 gas tax funding transfer from project 08-04 back to the Gas Tax Reserve Fund; and

That Council authorize the adjustment of the funding budget for Public Works capital project 10-88 to include \$100,707.38 of gas tax funds via a transfer from the Gas Tax Reserve Fund; and

That a copy of Report PW-2011-009 be forwarded to Heritage Caledon to comply with a previous commitment made in Report PWE-2010-031 that established a protocol for communication and consulting between Town of Caledon staff and Heritage Caledon staff.

Carried.

8. PW-2011-012 re: Award of Contract No. 2011-17, Resurfacing of Various Roads.

Moved by A. Thompson – Seconded by R. Paterak

2011-283

That Report PW-2011-012, Award of Contract No. 2011-17, Resurfacing of Various Roads be received; and

That, subject to the Association of Municipalities of Ontario's approval related to Gas Tax Grant funding, Contract No. 2011-17 be awarded to Graham Brothers Construction Limited (Graham Bros.) in the amount of \$2,943,045.47 (inclusive of non-refundable H.S.T.); extended to \$3,134,396.25 upon Council authorizing staff to inform Graham Bros. to include additional road sections in Contract No. 2011-17 and Capital Project 11-01, in accordance with the Special Provisions of the Contract (Section 4.2, SP-1) The following road sections are proposed to be included:

- 1) St Michaels Crescent, Westchester Boulevard to Highbury Street with costs of \$113,000.00;
- 2) Goodfellow Crescent, Westchester Boulevard to Goodfellow Crescent with costs of \$93,000.00; and

That for ease of tracking and invoice processing, \$106,000 of budget funding from capital project PW 10-03 and \$351,744 in budget funding from capital project PW 11-02 be transferred to and consolidated with capital project PW 11-01.

Carried.

NOTE: Council requested staff to complete patch work on Old Church Road and Robb Road as a temporary measure due to its current condition.

9. PW-2011-014 re: Property Line Retaining Wall, 48/50 Bambi Trail.

Moved by P. Foley – Seconded by R. Mezzapelli

2011-284

That Report PW-2011-014 regarding Property Line Retaining Wall, 48/50 Bambi Trail Retaining Wall, be deferred to the May 17, 2011 Council Meeting.

Carried.

10. TC-2011-019 re: Permission to Enter Living Snow Fence Agreement.

Moved by P. Foley – Seconded by R. Paterak

2011-285

That Report TC-2011-019 regarding Living Snow Fence Agreement with Region of Peel-North Side of Charleston Sideroad, Caledon Village be received; and

That Council instruct staff to negotiate with the Region of Peel regarding amendments to the proposed Agreement concerning indemnification and the cost of maintenance; and

That Council enact a by-law authorizing the Mayor and Clerk to execute the Agreement as negotiated to allow the Region of Peel to enter upon lands owned by the Town on the north side of Charleston Sideroad, Caledon Village for the purpose of installing a living snow fence.

Carried.

NOTE: Staff were requested to contact other government bodies or agencies to determine if they have lands where it would be appropriate to install living snow fence.

11. TC-2011-020 re: Renewal and Amending Agreement – Voice Communications System (VCOM).

Moved by A. Thompson – Seconded by R. Paterak

2011-286

That Report TC-2011-020 regarding Renewal and Amending Agreement – Voice Communications System (VCOM), be received; and

That Council enact a by-law to authorize the Mayor and Clerk to execute the VCOM Renewal and Amending Agreement between Caledon, Mississauga, Brampton, the Region of Peel and the Regional Municipality of Peel, Police Services Board.

Carried.

12. RECEIPT OF MINUTES

Moved by N. deBoer - Seconded by R. Mezzapelli

2011-287

That the minutes of the following meetings be adopted as written and distributed:

- Council Meetings held April 19, 2011.
- Closed Council Meeting held April 19, 2011.

And that the minutes of the following meetings be received as written and distributed:

- Policing Advisory Council of Caledon Meeting held April 6, 2011.
- Committee of Adjustment Meeting held April 13, 2011.
- Accessibility Advisory Meeting held April 14, 2011.

Carried.

13. PROCLAMATIONS

1. Tim Horton's Community Clean Up Day – May 7, 2011.

Moved by N. deBoer – Seconded by P. Foley

2011-288

Therefore be it resolved that the Town of Caledon hereby proclaims Saturday, May 7, 2011 to be Tim Horton's Community Clean Up Day in the Town of Caledon.

Carried.

2. Spina Bifida and Hydrocephalus Awareness Month – June, 2011.

Moved by R. Paterak – Seconded by R. Mezzapelli

2011-289

Whereas the Spina Bifida and Hydrocephalus Association of Ontario serves people with spina bifida and hydrocephalus and their families and the public; and

Whereas Health Canada has proclaimed June as Spina Bifida and Hydrocephalus Awareness Month; and

Whereas there are many people who are not aware of the Association or that it offers support, information and education programs and funds research to find ways to prevent and treat these conditions; and

Whereas the Association encourages all Ontarians to learn more about these conditions and to appreciate the challenges faced by individuals affected by them;

Therefore be it resolved that the Town of Caledon hereby proclaims the month of June, 2011 to be Spina Bifida and Hydrocephalus Awareness Month in the Town of Caledon and we urge all citizens to give full consideration and attention to the Spina Bifida and Hydrocephalus Association of Ontario for their work on behalf of those with spina bifida and hydrocephalus and their families.

Carried.

14. **CORRESPONDENCE PACKAGE**

1. Moved by P. Foley – Seconded by R. Mezzapelli

2011-290

That the correspondence items as listed in the correspondence package for the May 3, 2011, Council meeting, be received; and

That the e-mail dated May 2, 2011 from Barbara Crocker regarding Retaining Wall 48/50 Bambi Trail – deferral request, be received.

Carried.

15. **PUBLIC QUESTION PERIOD** – No one in attendance came forward.

16. **BY-LAWS**

Moved by A. Thompson – Seconded by R. Mezzapelli

2011-291

That the following by-laws be taken as read three times and finally passed in open council:

2011-051 To amend By-law 2007-128 with respect to the appointment of Lottery Licensing Officers, Business Licensing Officers and Officials and Tax Collector and revoke the appointment of Tax Collector and Livestock and Poultry Valuer, Municipal By-law Enforcement Officers and Peace Officer.

2011-052 To allow installation of a Living Snow Fence on Charleston Sideroad.


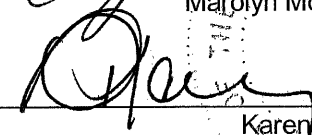
2011-053 To extend participation in the joint Region Voice Communications System for Fire and Emergency Services.

2011-054 To confirm the proceedings of the May 3, 2011 Council Meeting.

Carried.

17. **ADJOURNMENT**

On verbal motion moved by Councillor Mezzapelli and seconded by Councillor Foley, Council adjourned at 1:55 p.m.


Marolyn Morrison, Mayor

Karen Landry, Clerk
