



# Minutes

---

## The Blue Mountains Special Meeting of Council

**Meeting Date:** July 16, 2019  
**Meeting Time:** 7:00 p.m.  
**Location:** Town Hall, Council Chamber  
32 Mill Street, Thornbury, ON  
**Prepared by** Corrina Giles, Town Clerk

---

### A. Call to Order

---

Mayor Soever called the meeting to order with all members of Council present save Councillor Potter, absent due to a prior commitment.

Also present were Chief Administrative Officer Shawn Everitt, Director of Planning and Development Services Nathan Westendorp, Library Chief Executive Officer Sabrina Saunders, Municipal Law Enforcement Officer/Prosecutor Wayne DeWitt, Administrative Assistant Emily Beauchamp, Executive Assistant to the Chief Administrative Officer Karen Hilgendorf, and Executive Assistant Committees of Council Sarah Merrifield.

#### ▪ Approval of Agenda

Moved by: Odette Bartnicki

Seconded by: Andrea Matrosovs

THAT the Agenda of July 16, 2019 be approved as circulated, including any items added to the Agenda, Carried.

#### ▪ Declaration of Pecuniary Interest and general nature thereof

NOTE: In accordance with the *Municipal Conflict of Interest Act* and the Town Procedural By-law 2018-20, Council Members must file a written statement of the interest and its general nature with the Clerk for inclusion on the Registry.

None

### B. Public Comment Period

---

#### B.1 Public Comment Period (each speaker is allotted three minutes)

NOTE: In accordance with the Town Procedural By-law 2018-20 fifteen minutes is allotted at the Council Meeting to receive public comments regarding Town matters. The speaker shall provide their name and address, and shall address their comments to the Chair. Comments shall not refer to personnel, litigation or potential litigation matters, or regarding matters that are a follow-up to a Public Meeting.

None

## C. Committee of Council Orientation

---

### C.1 Committee Orientation: Solicitor Harold Elston, Elston Watt Barristers & Solicitors

Mayor Soever welcomed all Committee members present, which included members of the Abandoned Orchard Advisory Committee, the Agricultural Advisory Committee, the Economic Development Advisory Committee, the Transportation Committee, the Sustainability Committee, the Committee of Adjustment, the Community Communications Advisory Committee, the Council Compensation Review Committee, the Joint Municipal Physician Recruitment and Retention Committee, the Police Services Board, the Thornbury Business Improvement Area, The Blue Mountains Public Library Board, and The Blue Mountains Attainable Housing Corporation.

Mayor Soever welcomed Solicitor Harold Elston, Elston Watt Barristers & Solicitors, who provided a presentation to Council and Committee members regarding the following:

1. Codes of Conduct
2. Municipal Freedom of Information and Protection of Privacy Act (“MFIPPA”)
3. Integrity Commissioners
4. Conflicts of Interest

Regarding the Code of Conduct, Harold confirmed that the Town Policy, POL.COR.07.07 Code of Conduct for Members of Council and Local Boards (“Code of Conduct Policy”) does apply to Committee members. Harold provided an overview of the Town’s Complaint Protocol, and how to file a formal and an informal complaint. Harold noted the existing Code of Conduct Policy is currently being revised, which will include the scheduling of a public meeting to receive public comment.

Regarding *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”), Harold provided an overview of the Act, exceptions to MFIPPA, and the appeal process to the Information and Privacy Commissioner of Ontario (“IPC”).

Regarding Integrity Commissioners (“IC”), Harold noted there is an Association of Integrity Commissioners in Ontario and those individuals are contracted by municipalities. Harold advised that the fees charged for an IC is set by those individuals, further noting there is no set fee used in Ontario. Municipalities are responsible for the cost of IC services. Harold confirmed that in accordance with the *Municipal Act, 2001*, the IC has a duty of confidentiality regarding matters that come to the IC’s knowledge while undertaking his or her duties. Harold confirmed the role and powers of the IC and advised that confidentiality is maintained, unless there are reasonable grounds to believe there has been a contravention of any other Act. Harold noted there is a moratorium on filing complaints during an election period from nomination day to voting day and provided an overview of code of conduct investigation protocol, and common types of complaints.

Harold noted it is better for Members of Council or Members of Committees to contact the IC for written advice regarding possible conflicts of interest prior to voting on matters. Harold confirmed that individuals usually understand the types of conflicts they may have, but the IC can help clarify.

Harold confirmed that once a Code of Conduct complaint is filed, it is investigated by the IC and Council will receive the IC report at an open session Council Meeting. If the complaint is regarding a Committee member, and the IC finds that a contravention of the Code of Conduct, or an Act has occurred, Harold advised the recommendation therein could be to request an apology from the Committee member, or removal of the Committee member from the Committee or Board on which he or she serves. Harold advised Ontario's IC are working on development of a database of IC decisions which would be a good resource to municipalities moving forward.

Harold noted Confidentiality is hard to define, but could be defined in the Code of Conduct Policy. Harold noted that any materials in Closed Session should be treated as confidential.

Regarding the *Municipal Conflict of Interest Act* Harold spoke regarding indirect and deemed pecuniary interests, and exceptions under the Act. Harold noted that the Clerk's Office maintains a Conflict of Interest Registry that is posted to the Town website and may be viewed by members of the public.

Mayor Soever thanked Harold for his presentation, and thanked Committee members for their attendance. Chief Administrative Officer Shawn Everitt extended his thanks to Committee members for volunteering their time, and for the good work being done through the Committees.

## **D. July 15, 2019 Special Committee of the Whole Recommendation**

---

### **B.13.1 Housekeeping Zoning By-law Amendment Lots 14, 15, 16 Plan 16M-24 (George McRae Road), PDS.19.87**

**NOTE:** At the July 15, 2019 Special Committee of the Whole Meeting, the Committee directed staff to include the following time-sensitive Special Committee of the Whole recommendation for Council consideration at the July 16, 2019 Special Meeting of Council.

Moved by: Rob Sampson

Seconded by: Peter Bordignon

THAT Council receive Staff Report PDS.19.87, entitled "Housekeeping Zoning By-law Amendment Lots 14, 15, 16 Plan 16M-24 (George McRae Road)"; and

AND THAT Council waive the notice requirements of the Procedural By-law and enact a Zoning By-law Amendment at the July 16, 2019 Council Meeting.

AND THAT Council enact a Zoning By-law at the July 16, 2019 Council meeting to rezone Lots 14, 15, 16 Plan 16M-24 from the Residential 'R2' Zone to the Residential 'R1-1' Zone.

AND THAT Council supports a By-law to repeal Interim Control By-law No. 2019-26 and to authorize the Mayor and Clerk to enact said By-law to come into force and effect at such time as the decision on the rezoning By-law becomes final and binding, Carried.

**E. By-laws**

---

**E.1 By-law to Amend The Blue Mountains Zoning By-law 2018-65 (Lot 14, 15, 16 Plan 16M-24 George McRae Road)**

Moved by: Peter Bordignon

Seconded by: Jim Uram

THAT By-law 2019-37 being a By-law to amend The Blue Mountains Zoning By-law 2018-65 by rezoning Lots 14, 15, 16 Plan 16M-24 from Residential 'R2-41' Zone to the Residential 'R1-1' Zone be passed this 16<sup>th</sup> day of July, 2019, Carried.

**F. Adjournment**

---

Moved by: Odette Bartnicki

Seconded by: Rob Sampson

THAT this Special Meeting of Council does now adjourn at 8:52 p.m. to meet again at the call of the Chair, Carried.

---

Alar Soever, Mayor

---

Corrina Giles, Town Clerk