

**PERTH COUNTY COUNCIL
Minutes**

October 15, 2009

9:00 a.m.

1. ROLL CALL

Bill Arthur, Clerk, summoned the members of County Council and conducted the roll call.

2. OPENING PRAYER

Julie Behrns, Warden, presided with all members of County Council present except Councillor Kehl and Councillor Wilhelm. The October 15, 2009 session of Perth County Council commenced with an Opening Prayer at 9.03 a.m.

Staff in attendance:

Bill Arthur, CAO/Clerk; Carol Zimmer, Deputy Clerk; Dave Hanly, Director of Planning & Development; Renato Pullia, Director of Corporate Services/Treasurer; Linda Rockwood, Director of Emergency Medical Services; Matt Ash, Director of Public Works.

3. DISCLOSURE OF PERCUNIARY INTEREST and the general nature thereof

None declared

4. ADDITIONS TO AGENDA/ADOPTION OF AGENDA

Resolution: 2009-491

Moved by Councillor Seiler

Seconded by Councillor Forrest

That correspondence from Hon. John Wilkinson regarding Tourism Investment Workshop be added to the Council Agenda as item # 10.2

That AMO Alert regarding Accessibility and Municipalities at Risk with Initial Proposed Built Environmental Standard be added to the Council Agenda as Item 11.1,

That the Mitchell EMS Base tender Item 8.5.1 be removed and

That the Council agenda for October 15, 2009 as amended be approved.

Carried

Item 8.3.1 will be discussed immediately after the MPAC delegation.

5. CONSENT AGENDA

Resolution: 2009-492

Moved by Councillor McTavish

Seconded by Councillor McKay

That the Items 5.1 to 5.13 be received and the minutes of the October 1, 2009 Regular Session be approved.

Carried

6. PUBLIC MEETING

Resolution: 2009-493

Moved by Councillor Hollinger

Seconded by Councillor Van Bakel

That the Council of the County of Perth recess at 9:05 a.m. for the purpose of moving into a Public Meeting to hear presentations for Official Plan Amendment No. 100.

Carried

6.1 OPA 100

Official Plan Amendment deals with property described as Part of Lot 39, Concession 1 in the North Easthope Ward, Township of Perth East.

The purpose of the application is to permit an expansion of the existing Home Furniture Store building to a gross floor space of 1,400 sq. metres (15,069.5 sq. ft) by constructing an addition to the front for a display area and an enclosed loading area at the rear. The designation remains unchanged.

Notice of Public Meeting and on-site poster was completed on September 22, 2009 according to regulations.

Mr. Jim Fierling, Applicant, was present.

Response was received from Upper Thames River Conservation Authority indicating no concerns. Stratford Planning Sub Committee has no concerns with size increase but want it included in Official Plan Amendment. Stratford Council will discuss application at November 30th Council. The MTO will require sign permit, Site Plan, drainage plan, grading plan and illumination plan.

Jim Fierling submitted further information indicating that the additional space was required to display a variety of Canadian made projects. The loading area improvements will give a covered loading area, required for poor weather and safety. The loading area improvements will be done first with the front display addition being Phase II.

The square footage limit would best be addressed at the Zoning Amendment stage.

No one was present either in support of or in opposition to the application.

Jim Fierling, applicant and owner of Home Furniture, stated that customers are always asking for Canadian product. He has several options but needs more space to display. With another furniture store in Stratford closing, people could be going out of town to shop and he wants to capitalize and keep shoppers in Stratford. The front addition will

give more street appeal. The rear loading area addition will provide safety for loading, unloading and customer pick up.

Perth East has considered the amendment and support with no size limit in the Official Plan Amendment. Final decision was deferred until Perth County Council dealt with the application.

The front of the new addition will be approximately 55 feet from the highway and in line with the front of the neighbouring motel building.

Resolution: 2009-494

Moved by Councillor Van Bakel

Seconded by Councillor Hollinger

That the Public Meeting to hear OPA 100 be closed and Perth County Council reconvenes at 9:19 a.m.

Carried

7. DELEGATIONS –

7.1 MPAC – Residential/Farmland Taxation

Mr. Chuck Egener, MPAC Municipal Relations Representative and four Lower Tier Treasurers – Frances Hale(NP), Karen McLagan(WP), Rhonda Fischer(PE) and Tim Ivanyshyn(PS) were present.

Mr. Egener confirmed that Property Classifications change from farmland to residential when property sold. OMFRA advises of properties approved for farm class and MNR advises for conservation land and managed forest tax incentive programs. Classification changes are open until March 31st of the tax year for reconsideration. Property owners can request changes beyond March 31st if mitigating circumstances.

OMAFRA approved 66 properties going from residential to farmland after roll return in 2008. In 2009, 206 properties were approved. OMAFRA tenant farmer information in 2008 lead to more changes and not all were received on time. MNR approved two properties for Conservation Land in 2009 after roll return.

MPAC forwarded a letter to lower tier municipalities listing known properties that would be changing in April 2009. MPAC began processing 2009 changes on July 16, 2009 under Regulation 262/09. MPAC is allowed to correct factual errors with Amended Notices under Sec 32(1.1) of Assessment Act. MPAC is working with OMAFRA and MNR on better information sharing to improve services to property taxpayers. Post roll amended notices are being used to correct for past and current changes. Notices to property owners started early October and will be completed by end October, with copies to municipalities within days after. Recalculation of phased in assessment is completed.

The issue is province wide. Huron and Perth Counties had 480 properties affected at the end of September. Lower tier treasurers have asked for the list in January from MPAC so the matter can be addressed in budget preparation.

Lower Tier treasurers addressed the issue of outstanding building permits and the impact of assessment. MPAC has just closed off the list for new assessment and it should be to municipalities by the end of October, first part of November. An additional list of supplemental assessment will be sent by end of November.

MPAC was questioned as to why farm properties that are sold couldn't be left at the farmland class instead of reverting to residential as the vast majority of the properties will actually remain as farmland. Mr. Egener stated that the issue is being looked at.

Councillor McKay stressed the frustration that municipalities are faced with. Because of the large number of properties and impact on revenue, he asked if MPAC had Errors and Omission insurance that could cover the shortfall to the municipalities. Mr. Egener couldn't give an answer to this.

Council expressed displeasure with the job being done by MPAC regarding class changes, outstanding building permits and assessment dating back to 2007. MPAC is concentrating on assessing construction from 2007. It is anticipated that there will be many questions and comments at the next ROMA conference.

The lower tiers are facing an estimated \$440,000 shortfall in tax revenue in 2009 plus a \$525,000 loss in related provincial funding (OMPF) as a result of mistakes and delays for 2009 and \$903,000 for 2010.

8. **ADJOURN TO COMMITTEE OF THE WHOLE**

Resolution: 2009-495

Moved by Councillor McKay

Seconded by Councillor Forrest

That the Council of the County of Perth adjourns to convene as Committee of the Whole at 10:03 a.m.

Carried

Councillor McMillan chaired the Committee of the Whole.

PRESENTATION AND CONSIDERATION OF REPORTS IN COMMITTEE OF THE WHOLE

8.3 **Corporate Services**

8.3.1 Analysis of Residential-Farmland Property Tax Concerns

Recommendation: R2009-496 (Amended)

Moved by Councillor Hollinger

Seconded by Councillor McKay

WHEREAS the 2009 Provincial assessment data included incorrect values in the Residential class that should have been included in the Farmland class; and
WHEREAS such incorrect values will be adjusted by MPAC for the affected taxpayers by the Post Roll Amended Notices, but for which such adjustments may create a budget shortfall for municipalities by having to write-off the differences; and

WHEREAS outstanding building permits not processed in a timely manner affect municipalities' revenue and could offset such write-offs; and

WHEREAS incorrect values in the RT and FT class have an impact on the OMPF calculations for both 2009 and 2010;

NOW THEREFORE BE IT RESOLVED THAT MPAC be requested to provide additional, proactive reporting to municipalities to disclose such pending assessment changes in the future; and

THAT MPAC be requested to process the outstanding building permits to ensure that no assessment revenue is lost, and that new permits be processed in a timely manner; and

THAT the Ministry of Finance be requested to reconcile the 2009 OMPF, and to adjust the 2010 OMPF calculations to their proper values; and

THAT a copy of this resolution be forwarded to the Hon. John Wilkinson, MPP, Eastern Wardens Caucus, the Western Warden Caucus, the Association of Municipalities of Ontario (AMO) for circulation, the Ontario Federation of Agriculture (OFA), the Christian Farmers Federation of Ontario (CFFO), and the National Farmers Union of Ontario (NFU) for support.

Carried

8.1 Planning and Development

8.1.1 Official Plan Amendment 100

Recommendation: 2009-R497

Moved by Councillor Forrest

Seconded by Councillor Seiler

That the Application for Official Plan Amendment by Murray Gordon Cummings affecting lands described as part of Lot 39, Concession 1 in the North Easthope Ward of the Township of Perth East be approved.

Carried

8.1.2 North Perth Official Plan Amendment 26

Recommendation: 2009-R498

Moved by Councillor Hollinger

Seconded by Councillor Van Bakel

That Perth County Council approve Amendment No. 26 to the Listowel Ward Official Plan affecting property described as Block 158, Registered Plan 563 (Wallace Ave S.) in the Listowel Ward; Block 159, Registered Plan 563 (Wallace Ave S.) in the Listowel Ward; Block 11, Registered Plan 44M-3 (Albert Ave N) in the Listowel Ward; and Block 160 and Block 161, Registered Plan 563 (Bamford Dr) in the Listowel Ward.

Carried

8.1.3 Tree Inspections

Recommendation: 2009-R499

Moved by Warden Behrns
That the Tree Inspection Report dated October 15, 2009 be accepted as presented.

Seconded by Councillor McTavish

Carried

8.1.4 Hwy 7/8 EA Study – Preferred Route Selection

Recommendation: 2009-R500

Moved by Councillor McKay
That the Planning Director's October 15, 2009 report concerning the Highway 7/8 EA Study – Preferred Route Selection be received for information

Seconded by Councillor Van Bakel

Carried

Recommendation: 2009-R501

Moved by Councillor Forrest
That the report regarding Hwy 7/8 study as presented be submitted to MTO/AECOM

Seconded Warden Behrns

Carried

8.1.5 Other Matters

The Normal Farm Practice Hearing will be held at the Perth East Municipal office on October 19 to 21st.

8.2 CAO

8.2.1 2009-2010 Accessibility Plan

Lisa Dawn Wismer present for the report.

Recommendation: 2009-R502

Moved by Councillor McKay
That the Perth County Council approves and adopts the 2009-2010 County of Perth Joint Accessibility Plan

Seconded by Councillor Forrest

Carried

8.2.2 County Wide Radio system Improvement

Christel Hollinger present for the report.

Recommendation: 2009-R503

Moved by Councillor McTavish

Seconded by Councillor Seiler

That the County request that Perth South Public Works, North Perth Public Works and West Perth Public Works move to the existing Passport System as their operating budgets permit. The Capital cost in the estimated amount of \$50,735 be considered for the 2010 County budget, to cover the capital infrastructure to be expended when the Lower Tiers budget for the monthly operating costs; and

That County Council adopt a phased-in option for consideration in the 2010 budget; to consider purchasing and install a Passport radio in the 2010 budget year for each municipal service Supervisory and Command vehicle (including St. Marys and Stratford fire Departments) at a County cost of approximately \$7,200. Until Lower Tier and Single Tiers budgets allow for full transfer to the Passport system, acknowledging that the Lower Tier and Single Tiers will be required to cover the monthly operating costs; and That County Council consider a Fire service radio be upgraded with 2 additional channels for the 2010 budget, at a County capital cost of approximately \$388,292.

Carried

8.2.3 Warden's Activity Report

Recommendation: 2009-R504

Moved by Councillor McTavish

Seconded by Councillor Forrest

That the Warden's Activity Report for September 2009 dated October 15, 2009 be received for information.

Carried

8.2.4 Perth County Business Export Program

Bernia Wheaton present for report.

Recommendation: 2009-R505

Moved by Councillor Forrest

Seconded by Councillor McKay

That the Warden and the County Clerk be authorized to sign an agreement with Maria Garcia for an amount not to exceed \$20,000, for 400 hours of consultation for The Perth County Business Export Program to Industrial Growth Program.

Carried

8.2.6 Other Matters - None

Council recessed for short break.

8.3 Corporate Services

8.3.1 Analysis of Residential-Farmland Property Tax Concerns

Recommendation: 2009-R506

Moved by Councillor McKay

Seconded by Councillor Seiler

That Recommendation under Corporate Services 8.3.1 (2009-R496) concerning the Analysis of Residential-Farmland Property Tax concerns be reconsidered to clarify intent of motion.

Carried

Recommendation: 2009-R507

Moved by Warden Behrns

Seconded by Councillor Seiler

That the original recommendation under Corporate Services 8.3.1(2009-R496) be amended to add the words "for circulation" after the Association of Municipalities of Ontario

Carried

8.3.2 Other Matters - None

8.4 Emergency Medical Services

8.4.1 Other Matters - None

8.5 Public Works

8.5.1 Mitchell EMS base Tenders – Removed from agenda

8.5.2 Other Matters

The County road tour will take place on October 29th leaving from Court House at 9 a.m.

8.6 Financial Reports

8.6.1 CAO – 3rd Quarter Financial

Recommendation: 2009-R508

Moved by Councillor McTavish

Seconded by Councillor Hollinger

That the Council of the County of Perth accept the CAO's Third Quarter Financial Report for information.

Carried

8.6.2 Planning and Development 3rd Quarter Financial

Recommendation: 2009-R509

Moved by Councillor McTavish

Seconded by Councillor McKay

That the Planning and Development Department's financial report for the period ending September 30, 2009 and dated October 15, 2009 be accepted for information.

Carried

8.6.3 EMS 3rd Quarter Financial

Recommendation: 2009-R510

Moved by Councillor Forest

Seconded by Councillor Seiler

That the EMS September 30th, 2009 financial report dated October 15, 2009 be accepted for information.

Carried

8.6.4 Public Works 3rd Quarter Financial

Recommendation: 2009-R511

Moved by Councillor Van Bakel

Seconded by Councillor Seiler

That the Public Works third quarter financial report dated October 15, 2009 be accepted for information.

Carried

8.6.5 Corporate Services 3rd Quarter Financial

Recommendation: 2009-R512

Moved by Warden Behrns

Seconded by Councillor Hollinger

That the Corporate Services 3rd Quarter financial report dated October 15, 2009 be accepted for information.

Carried

8.6.6 County 3rd Quarter Financial

Recommendation: 2009-R513

Moved by Councillor McKay

Seconded by Councillor McTavish

That the County third quarter financial report dated October 15, 2009 be accepted for information.

Carried

9.0 **MINUTES OF OUTSIDE BOARDS/COMMITTEES – None**

10. **CORRESPONDENCE**

10.1 Stratford & District Small Business Week

Recommendation: 2009-R514

Moved by Councillor McTavish

Seconded by Councillor Van Bakel

That correspondence from the Stratford & District Small Business Week – HST presentation be received.

Carried

10.2 Tourism Investment Workshop

Recommendation: 2009-R515

Moved by Warden Behrns

Seconded by Councillor McKay

That Councillor McTavish attend the Stratford Tourism Investment Workshop on October 20th at a cost of \$50.00 per person

Carried

11. AMO ALERTS

11.1 Accessibility and Municipalities at Risk with Initial Proposed Built Environment Standard

Recommendation: 2009-R516

Moved by Councillor McTavish

Seconded by Councillor Hollinger

That the County of Perth endorse the Case for Harmonization of the AODA Standards and send a letter of support in response to the initial proposed Built environment Standards by October 16, 2009.

Carried

Recommendation: 2009-517

Moved by Councillor McKay

Seconded by Councillor Hollinger

That the Committee of the Whole adjourn and reconvene as Council at 12 noon

Carried

Warden Behrns resumed Chair

12. BUSINESS ARISING FROM COMMITTEE OF THE WHOLE

12.1 Removal of any Recommendations from Committee of the Whole – None

12.2 Deferral of Recommendations from Committee of the Whole – None

12.3 Endorsement of Recommendations from Committee of the Whole

Resolution: 2009-518

Moved by Councillor Forrest

Seconded by Councillor Hollinger

That the Council of the Corporation of the County of Perth endorses all recommendations from Committee of the Whole on October 15, 2009.

Carried

13. NOTICE OF MOTIONS – None

Resolution: 2009-519

Moved by Councillor McTavish

Seconded by Councillor McKay

That Perth County send a letter to MPAC outlining their concerns with Assessment Roll discrepancies resulting in tax write off for municipalities and the outstand building permits.

Carried

14. **NEW BUSINESS –**

14.1 Draft Procedural by-law

The draft Procedural By-law distributed to Councillors for review. Comments and questions should be submitted by October 29 to Bill Arthur.

14.2 100th Anniversary for Perth East library

Open house and dinner on October 24, 2009 at 6 p.m.

15. **BY-LAWS –**

15.1 By-law 3161-2009 to adopt Official Plan Amendment No. 100

Resolution: 2009-520

Moved by Councillor Forrest

Seconded by Councillor Van Bakel

That By-law 3161-2009 being a By-law to adopt Official Plan Amendment No. 100 be read a first and second time.

Carried

Resolution: 2009-521

Moved by Councillor Hollinger

Seconded by Councillor McKay

That By-law 3161-2009 being a By-law to adopt Official Plan Amendment No. 100 be read a third and final time and

That the Warden and Clerk are hereby authorized and instructed to sign the same, and attach the Corporate Seal thereto.

Carried

16. **CLOSED SESSION – None**

17. **CONFIRMATORY BY-LAW**

Resolution: 2009-522

Moved by Councillor McTavish

Seconded by Councillor Seiler

That By-law 3162-2009 being a By-law to confirm the proceedings of the Council of the Corporation of the County of Perth, at its regular meeting on October 15, 2009 be read a first, second and third time and

That the Warden and Clerk are hereby authorized and instructed to sign the same, and attach the Corporate Seal thereto.

Carried

18. **ADJOURNMENT**

Resolution: 2009-523

Moved by Councillor Forrest

Seconded by Councillor McMillan

That the October 15, 2009 session of Perth County Council adjourns at 12:17 p.m.

"Julie Behrns"

"R. William Arthur"

Warden, Julie Behrns

Clerk, R. William Arthur