

**PERTH COUNTY COUNCIL  
Minutes**

December 17 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. The December 17, 2009 Regular Meeting of Perth County Council commenced with an Opening Prayer at 9:04 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: 2009-603**

Moved by Councillor Wilhelm

Seconded by Councillor Seiler

That the Council agenda for December 17, 2009 as amended be approved.

Carried

**5. CONSENT AGENDA**

**Resolution: 2009-604**

Moved by Councillor Wilhelm

Seconded by Councillor McTavish

That the Items 5.1 to 5.19 be received for information and the minutes of the December 2, 2009 Inaugural meeting and December 3, 2009 Regular Meeting as amended be approved.

Carried

**6. PUBLIC MEETING -**

6.1 OPA 101 Surplus Farm Severance in West Perth and Perth South

**Resolution: 2009-605**

Moved by Councillor Forrest

Seconded by Councillor McKay

That the Council of the County of Perth recess for the purpose of moving into a public meeting for Official Plan Amendment No. 101 dealing with Surplus Farm Severances in Perth South and West Perth

Carried

December 17, 2009

Page 2 of 10

See Schedule 'A' for minutes of public meeting.

**Resolution: 2009-606**

Moved by Councillor Van Bakel

Seconded by Councillor Kehl

That the public meeting for Official Plan Amendment No. 101 dealing with Surplus Farm Severances in Perth South and West Perth be closed and Perth County Council reconvene at 10:22 a.m.

Carried

Council Recessed for 15 minutes

7. **DELEGATIONS – None**

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

**Resolution: 2009-607**

Moved by Councillor Forrest

Seconded by Councillor Wilhelm

That the Council of the County of Perth adjourns to convene as Committee of the Whole at 10:35 a.m.

Carried

Councillor McKay took the Chair the Committee of the Whole.

**PRESENTATION AND CONSIDERATION OF REPORTS IN  
COMMITTEE OF THE WHOLE**

8.1 **Planning and Development**

8.1.1 Official Plan Amendment 101 – Surplus Farm Severance

**Recommendation: 2009-R608**

Moved by Councillor Van Bakel

Seconded by Councillor Wilhelm

That Official Plan Amendment Application to allow surplus farm severances in the Municipality of West Perth and the Township of Perth South be supported.

Motion lost

8.1.2 Tree Inspection Report

**Recommendation: 2009-R609**

Moved by Warden Behrns

Seconded by Councillor Hollinger

That the Tree Inspection report dated December 17, 2009 be accepted as presented.

Carried

8.1.3 North Perth Part Lot Control By-law 170-2009

**Recommendation: 2009-R610**

Moved by Councillor Forrest

Seconded by Councillor McTavish

That Perth County Council approve the Municipality of North Perth's By-law No. 170-2009 for the removal of part-lot control on property described as Lot 24, Registered Plan No. 44M-27, in the Listowel Ward of the Municipality of North Perth.

Carried

8.1.4 Other Matters - None

8.2 **CAO**

8.2.1 Appointment Alternate CEMC/Emergency Management Program Committee

**Recommendation: 2009-R611**

Moved by Councillor Forrest

Seconded by Councillor Wilhelm

**THAT** Perth County Council hereby appoints the persons in the following positions to form the County of Perth Emergency Management Program Committee:

Warden

CAO

Community Emergency Management Coordinator

Emergency Information Officer

Alternate CEMC

Perth East Fire Chief

OPP Inspector

Director of EMS

Medical Officer of Health

Director of Planning and Development

Director of Public Works

Director of Social Services, and;

**THAT** Perth County Council appoints Shannon Caven, HR Administrative Assistant, as the Alternate Community Emergency Management Coordinator for the County of Perth.

Carried

8.2.2 Committee Appointment By-law

**Recommendation: 2009-R612**

Moved by Councillor McTavish

Seconded by Councillor Wilhelm

That By-law 3168-2009 appointing Councillors to various committees and boards be considered for adoption.

Carried

8.2.3 Revised Procedural By-law

**Recommendation: 2009-R613**

Moved by Councillor Van Bakel

Seconded by Councillor Kehl

That the Lord's Prayer be retained for the Regular Meetings of Perth County Council.

Recorded vote requested Councillor Van Bakel

Councillor McMillan	yes	Councillor McTavish	no
Councillor Wilhelm	yes	Councillor McKay	no
Councillor Van Bakel	yes	Councillor Forrest	no
Warden Behrns	yes		
Councillor Seiler	yes		
Councillor Hollinger	yes		
Councillor Kehl	yes		

Carried

**Recommendation: 2009-R614**

Moved by Councillor Kehl

Seconded by Councillor Hollinger

That the Roll Call be retained for the Regular Meetings of Perth County Council.

Carried

**Recommendation: 2009-R615**

Moved by Councillor McTavish

Seconded by Councillor Van Bakel

That staff be directed to bring report back with regards to seating arrangements for County Council Meetings.

Carried

**Recommendation: 2009-R616**

Moved by Councillor McTavish

Seconded by Councillor Forrest

That the Draft Procedural By-law be reviewed by Councillors and final documents including policies and Sale of Land By-law be brought to Council in January, 2010 for approval.

Carried

8.2.4 Warden's Activity Report

**Recommendation: 2009-R617**

Moved by Councillor Hollinger

Seconded by Councillor McMillan

That the Warden's Activity Report dated December 7, 2009 be received for information.

Carried

### 8.2.5 Stratford & Perth Community Foundation – January Event

**Recommendation: 2009-R618**

Moved by Councillor Hollinger

Seconded by Councillor Wilhelm

That the CAO's report dated December 17, 2009 regarding the Stratford & Perth Community Foundation January event be received and any decision be deferred until more information is received.

Carried

### 8.2.6 Other Matters

#### County Council Photo

Direction was given to staff to engage a professional photographer to take the official County picture.

The policy regarding the Half Mast flag report will be brought to Council in January

Committee of the Whole recessed for Lunch break at 12 noon

Committee of the Whole reconvened at 12:53 p.m.

### 8.3 Corporate Services

#### 8.3.1 Tax Collection Agreements

**Recommendation: 2009-R619**

Moved by Councillor Forrest

Seconded by Councillor Wilhelm

That By-law No. 3169-2009, being a by-law to cancel the Tax Collection Agreements with the Municipality of West Perth, and the Township of Perth South, be hereby approved.

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 Speed Limit – Milverton South

**Recommendation: 2009-R620**

Moved by Councillor McTavish

Seconded by Councillor Hollinger

It is recommended that By-law 2674, being a bylaw to designate speed limits on County Roads, be amended as follows:

Schedule B

Road	Location	From	To	Approx. Dist.
131	South side of Milverton	A point approx. 137 m south of the centre line of Wilfred Street, Twp. Of Perth East, Milverton Ward, southerly	A point approx. 25 m north of the north property line at the intersection of Road 131 and Line 61	640 m

Carried

8.5.2 Other Matters - None

8.6 **Financial Reports**

8.6.1 CAO

**Recommendation: 2009-R621**

Moved by Councillor Wilhelm

Seconded by Councillor Seiler

That the CAO November Financial Report be accepted for information.

Carried

8.6.2 Planning

**Recommendation: 2009-R622**

Moved by Councillor McTavish

Seconded by Councillor Kehl

That the yearend financial projection report prepared by the Planning Director dated December 17, 2009 be received for information purposes.

Carried

8.6.3 Emergency Medical Services

**Recommendation: 2009-R623**

Moved by Councillor Wilhelm

Seconded by Warden Behrns

That the EMS November 30, 2009 Financial Report dated December 17, 2009 be accepted for information.

Carried

8.6.4 Public Works

**Recommendation: 2009-R624**

Moved by Councillor Van Bakel

Seconded by Councillor Forrest

That the Public Works November year end projection report be accepted for information.

Carried

8.6.5 Corporate Services

**Recommendation: 2009-R625**

Moved by Councillor Seiler

Seconded by Councillor McTavish

That the Corporate Services November 30, 2009 financial report be accepted for information.

Carried

8.6.6 County

**Recommendation: 2009-R626**

Moved by Councillor Wilhelm

Seconded by Councillor Hollinger

That the County November 30<sup>th</sup> financial report dated December 17, 2009 be accepted for information.

Carried

9. **MINUTES OF OUTSIDE BOARDS/COMMITTEES** – None

10. **CORRESPONDENCE** - None

11. **AMO ALERTS** – See Consent Agenda

**Recommendation: 2009-R627**

Moved by Councillor Van Bakel

Seconded by Councillor Seiler

That the Committee of the Whole adjourn and reconvene as Council 1:12 p.m.

Carried

Warden Behrns resumed Chair

12. **BUSINESS ARISING FROM COMMITTEE OF THE WHOLE**

12.1 Removal of any Recommendations from Committee of the Whole –

Councillor Wilhelm requested that item 8.1.1 Surplus Farm Severances be removed from Committee of Whole recommendations.

12.2 Deferral of Recommendations from Committee of the Whole – None

12.3 Endorsement of Recommendations from Committee of the Whole

**Resolution: 2009-628**

Moved by Councillor Forrest

Seconded by Councillor Hollinger





15.2 By-law 3169-2009 To cancel Tax Collection Agreements

**Resolution: 2009-632**

Moved by Councillor Wilhelm

Second by Councillor Kehl

That By-law 3169-2009 being a By-law to cancel Tax Collection Agreements with Township of Perth East, Municipality of West Perth and Township of Perth South be read a first and second time.

Carried

**Resolution: 2009-633**

Moved by Councillor McKay

Seconded by Councillor Forrest

That By-law 3169-2009 being a By-law to cancel Tax Collection Agreements with Township of Perth East, Municipality of West Perth and Township of Perth South be read a third and final time

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

Carried

16. CLOSED SESSION

All department heads present.

**Resolution: 2009-634**

Moved by Councillor Hollinger

Seconded by Councillor Wilhelm

That Perth County Council move to Closed meeting at 1:20 p.m. in accordance with Section 239 of the Municipal Act S.O. 2001 c.25 (as amended), regarding subject matter as follows:

- Labour relations or employee negotiations with CUPE
- The security of the property of the municipality or local board
- Personal matters about an identifiable individual to review CAO performance review

Carried

**Resolution: 2009-635**

Moved by Councillor McKay

Seconded by Councillor Forrest

That the Council of the Corporation of the Council of Perth rises from Closed Meeting and reconvenes the Regular Meeting at 1:47 p.m.

**Resolution: 2009-636**

Moved by Councillor Forrest

Seconded by Councillor McTavish

That the recommendation of Human Resources Committee be accepted and that the CAO be moved up a step on the pay grid (as per policy) having received a positive performance review and be granted an additional week of vacation.

Carried

**17. CONFIRMATORY BY-LAW**

**Resolution: 2009-637**

Moved by Councillor Hollinger

Seconded by Councillor Wilhelm

That By-law 3170-2009 being a By-law to confirm the proceedings of the Council of the Corporation of the County of Perth, at its regular meeting on December 17, 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. ADJOURNAMENT**

**Resolution: 2009-638**

Moved by Councillor Wilhelm

Seconded by Councillor Seiler

That the December 17, 2009 Meeting of Perth County Council adjourns at 1:50 p.m.

---

Warden, Julie Behrns

---

Clerk, R. William Arthur

## O.P.A. Farmhouse Severance

①

We make no apologies for bringing back this O.P.A. Our Council feels it would be irresponsible to not use every avenue available to maintain our infrastructure.

At Perth South sessions with U of Guelph, our ratepayers put saving surplus farmhouses at the top of 2 lists. • ① promote quality of life, by having neighbours

② rural residential maintenance and growth. This is maintenance

Agriculture in Perth is our founding industry, remains our most important sector & should be protected. The question is, to what degree and at what cost. A person from Huron or Middlesex would say Perth doesn't have farmhouse severance because agriculture has a stranglehold

on planning in Perth County

The following comments centre around whether agriculture should have a stronghold or a stranglehold.

A stronghold could be seen as maintaining M.D.S., maintaining right to farm, maintaining the Ag review committee, and not allowing any new houses on new lots. These restrictions are in place & will not waver.

~~THE~~ stranglehold we seem to be in now, and we admit is favored by our commodity groups, is to let houses disappear, shrink the tax base on the municipality, shrink the number of children going to rural schools, and shrink the church & community organizations.

Clearly, a person cannot be against farmhouse severences and then try to stop rural school closures.

If we don't get severences, be prepared to close more rural schools. Its just a matter of time

40 houses 10 children

We believe these differences are why County Council voted to go to a Public Meeting last August with the proposal to allow severences in two municipalities. This was not a fluke vote. It was supported by 4 Past Wardens, one from each municipality, plus other councillors, who have recognized that things change, and what was right 10 or 20 yrs ago may not be right today. There are also more controls today such as right to farm, than 20 yrs ago. A shift to local food also brings more respect to Agriculture.

Severing a farmhouse brings a few speculated challenges, but really only 2 concrete changes.

① a name change to ownership which is almost invisible.

② a sterilization of the front part of the farm from livestock, because of MDS. This is very real and must be seriously considered before a decision is made.

To consider that an industry drawback, however, is not very factual.

Perth South, as small as we are, has 90,000 acres of agricultural land. That makes 900 of the original 100 acre farms. If even 50 houses were to be severed, that still leaves 850 farms that can have livestock barns for producers who just want 1 farm with livestock.

5

We know that Nutrient Management Plans for larger farms require 200 or 300 acres for manure, so we know there is lots of need for farms with no livestock on them, both from livestock farms and cash crop farms.

The Perth Fed of Agriculture believes that all of Perth County should have the same regulations. We agree with them. Unfortunately there may be a short term where there is a difference. If we are successful in achieving the proposed changes, then it is hopeful that monitoring will take place. If numerous problems and complaints show up then Perth South & West will have to consider changing back.

⑥

If very few problems appear then hopefully North & East will decide to join the program.

Within 5 yrs we would hope to have 1 policy in all of Perth County

Perth is surrounded by 5 counties, all strong in agriculture, and all 5 having some form of surplus farmhouse severences, differing in each County and differing between local municipalities.

We believe we have a strong request for change.

We rest our case, believing that strong support for agriculture is sufficient, and there is no longer a ~~case~~ place for a stranglehold.



  
Address some of the points raised about this issue

MAYOR John VanBAKEL  
West PERTH

PFA Letter of objection

The letter states only one reason for opposition  
Planning needs to be consistent across the county

Letter from the Perth County Pork Producers

The Pork Producers letter supports the letter from the PFA for the same single reason  
Planning needs to be consistent across the county

The planning report also raise the issue of inconsistency

We agree that consistency throughout the county is very important and that is why we have supported county applications in the past that were not in the best interests of our local municipality  
However this issue is of such importance that we refuse to roll over

We would clearly prefer to be as consistent as possible with our neighbours and that is why we investigated the severance policies of our adjoining neighbour municipalities

Clearly

This application if approved for all of the county would be consistent with our neighbours  
At the present time we have a policy not consistent with our neighbouring municipalities

Other issues raised in the planning report

Planning report issue #2

*# of homes in dispute  
if the # is that low then the impact  
will be low*

#2 Residential not compatible with agriculture. We do not disagree that sometimes farming practises can be an irritant to people.  
whether those people are farmers or non farmers

This really has not been much of an issue in our municipality

In my limited experience complaints have fallen into 2 catagories

1

Genuine complaints about questionable farming practises such as mud or manure on roads or in ditch

2 Frivilous complaints that usually turn out to be people problems and these are usually based on long standing frictions that are irrelevant to the complaint

The majority of complaints that I have received have been from other farmers or motorists

manure spill on the road  
manure spill in drainage ditch  
Cutting of trees  
Several about mud on the road at harvest  
Several about manure on road from tankers going from farm to farm  
Several about dust caused by manure tankers on Hwy 8 making travel hazardous

I have never received a complaint about noise  
I have never received a complaint about smell in the ag community ( do get complaints in town )

Now I wish to briefly turn to points raised in the planning report

### Point #3

#3 raise the issue that MDS will put restrictions on the remaining remnant property, thus reducing the *value* of the farm land. This is fact acknowledged by every one

It also states that the severance would eliminate some future farm building potential, thus saving farm *land for production*  
Is this good or bad?  
Keep in mind that we have a program at the present time that puts 74 million dollars towards reducing livestock buildings and hog production in particular

### Point # 4

#4 states that our present policy is consistent with 2.3.4.1 of the PPS  
This is somewhat misleading in that by this statement it implies that the application is not.  
It fails to state that the application is also consistent with 2.3.4.1 of the PPS

### Planning Report issue # 5

This again raises the issue of planning inconsistency across the county as the main reason for non-*support*

We agree that this appears to be the main issue

We urge our fellow councillors to support this application. If the application is not supported we will defend our points listed in the justification report and ask that the application be approved  
If consistency becomes a dominant issue at a hearing then  
it seems appropriate to ask that the ~~approval~~ *app be approved* apply across all of the county so that in effect we become consistent with our neighbours