

Perth County Council Minutes

May 20, 2010
9:00 a.m.

1. **Call to Order/Roll Call**

The Regular Meeting of Perth County Council was called to order and roll call conducted.

Councillors present:

Warden Behrns, Councillor McMillan, Councillor McTavish, Councillor McKay, Councillor Wilhelm, Councillor Kehl, Councillor Hollinger, Councillor Seiler, Councillor Forrest,

Councillors absent:

Councillor Van Bakel

Staff in attendance:

Renato Pullia, Director of Corporate Services/Treasurer, Cliff Eggleton, EMS Operations Manager, Matt Ash, Director of Public Works; Dave Hanly, Director of Public Works; Carol Zimmer, Deputy Clerk

With quorum present, Warden Behrns presided.

2. **Opening Prayer**

The May 20, 2010 Regular Meeting of Perth County Council commenced with an Opening Prayer at 9:02 a.m.

3. **Declaration of Pecuniary Interest and the general nature thereof**

None declared

4. **Additions to Agenda/Adoption of Agenda**

Resolution: 2010-212

Moved by Councillor Forrest

Seconded by Councillor Kehl

That the Council agenda for May 20, 2010 be approved.

Carried

5. **Consent Agenda**

Correction to April 29, 2010 minutes:

In Resolution 2010-191, the By-law No. should read 42-2010 (not 42-1010)

Resolution: 2010-213

Moved by Councillor Hollinger

Seconded by Councillor Seiler

That the Items 5.1 to 5.17 be received for information and the minutes as amended of the April 29, 2010 Regular Meeting be approved.

Carried

6. Public Meeting

6.1 Terrier Plan of Subdivision – North Perth, Listowel Ward

Resolution: 2010-214

Moved by Councillor McKay

Seconded by Councillor Seiler

That the Council of the County of Perth recess for the purpose of moving into a Public Meeting for the Plan of Subdivision Application submitted by Terrier Inc. in Listowel Ward, North Perth on lands described as Part Lot 34, Concession 1 (formerly Township of Elma).

Carried

Mr. Hanly, Director of Planning & Development, outlined the purpose of the application. Notification was given as required under the Planning Act.

Terrier Inc. submitted a Plan of Subdivision Application for the purpose of creating a residential Plan of Subdivision on approximately 2.48 hectares (6.12 acres) on Victoria Avenue South, designated as Part of Lot 34, Concession 1 in the Listowel Ward, North Perth (formerly in the Township of Elma). The plan will create four blocks for residential development and one block for stormwater management purposes. This will be a "Lotless Block" subdivision to allow greater flexibility for future development. One street will be created as part of the plan. A minimum of 25 and maximum of 49 units depending upon the type of dwelling will be constructed.

The required notification under The Planning Act was given on April 29, 2010. Agency comments were received from North Perth Council (approval with conditions), Hydro One Networks Inc. (no objections), MOE (provided comments under OPA), Bell Canada (will issue comments after detailed review), Union Gas (condition for easements and/or agreements) and Huron-Perth Catholic District School Board (no concerns). Also MVCA (portion stormwater management area falls within regional floodline and should be revisited for proper operation) and North Perth Public works (re sewage capacity).

No one was present in support of or in opposition to the application. However, Council was informed that a number of people were in attendance at the North Perth municipal office who wished to speak to the application. The information was to be faxed to Stratford for Council's consideration.

Mr. Pierre Chauvin, MHBC Urban Design, presented the application. An Official Plan Amendment was passed and subsequently appealed to OMB by Spinrite Inc. but has since been settled and the OPA is in force.

Mr. Chauvin stated that the development is on 6 acres of vacant land fronting onto Victoria Ave. South. The land does have some tree cover. Residential development exists on two sides with industrial development (Spinrite Inc.) on the

east boundary and an existing community trail on the south boundary. A zoning application with provision for the type of dwellings has been submitted. The Plan of Subdivision will include a Cul-de-sac street with four residential blocks and area for storm water management. The dwelling units proposed could be single detached (25 units), semi-detached or townhouse (49 units) or combination. The municipality has requested cash-in-lieu rather than actual parkland as there are existing parks in the vicinity.

There will be a stormwater management pond and pedestrian connections to the Community Trail. The Maitland Valley Conservation Area's concerns with the pond are being addressed and the plan can be changed to accommodate their requirements.

The proposed street is aligned to reduce disturbance to neighbouring properties and will access directly onto Victoria Ave. S. Full water and sanitary servicing will be provided. A three metre berm at the rear of Block 2 adjacent to the Spinrite property will be constructed as well as a restricted design of dwellings to single family units on Block 2 to mitigate noise. A noise warning clause will also be used on documentation.

The proposal will give low density residential housing and is a logical and orderly extension of existing development. Full services will be provided and noise mitigation addressed. The development will be integrated with community trail system and is in conformity with PPS, County Official Plan and Listowel Official Plan.

For safety concerns, the stormwater management pond having a depth of 1 to 4 feet will be fenced and gated. The water flow will meet the requirements for water quality and management.

A Plan of Subdivision meeting the requirements will have to be submitted for approval but no additional public meeting will be required. The street location cannot be changed in this plan without an amendment.

Council was presented with a letter and petition in opposition to the development and encouraging the retention of the natural area. This area is not included in the recently designated woodlots by North Perth. Mr. Chauvin indicated that there is no intent to clear all trees for development and as many as possible would be kept, particularly at the rear of the properties. A tree assessment completed indicated no trees of value on property. It was noted that the Perth County Tree By-law does not apply to urban areas and the local municipality is responsible for woodlots within their boundaries.

Resolution: 2010-215
Moved by Councillor Forrest

Seconded by Councillor McTavish

That the Public Meeting for the Plan of Subdivision submitted by Terrier Inc. in Listowel Ward, North Perth on lands described as Part Lot 34, Concession 1 (formerly Township of Elma) be closed and Perth County Council reconvene.

Carried

Note: Emily Qureshi, the author of the letter and petition for the Terrier Inc. application for Plan of Subdivision arrived during the Wallaceview Development Ltd. Public Meeting and was not allowed to speak as the Terrier Public Meeting was closed.

6.2 Wallaceview Developments Ltd – North Perth, Listowel Ward

Resolution: 2010-216

Moved by Councillor Seiler

Seconded by Councillor Wilhelm

That the Council of the County of Perth recess for the purpose of moving into a Public Meeting for a Plan of Subdivision Application and Plan of Condominium submitted by Wallaceview Developments Ltd. In Listowel Ward, North Perth on lands described as Block 159, Registered Plan 563.

Carried

Mr. Hanly outlined the purpose of the applications. Notice was completed as required under The Planning Act.

Wallaceview Developments Ltd. submitted a Plan of Subdivision application for the purpose of creating a residential Plan of Subdivision consisting of 14 lots for townhouse development and three blocks of land for access/road/driveway serving the development and to accommodate existing electrical transformer equipment which will service the development. A Plan of Condominium application for the same property proposes to create common elements described as an access road/driveway and electrical transformer equipment.

Official Plan Amendments have been completed to allow access onto private roads and funds are to be set aside for future maintenance of common elements.

The required notification under The Planning Act was given on April 29, 2010. Agency comments were received from North Perth Council (approval with conditions), Hydro One Networks Inc. (no objection), Bell Canada (issue comments upon detailed review), Huron Perth Catholic District School Board (no concerns), Maitland Valley Conservation Authority (no concerns) and North Perth (sufficient sewage capacity present).

No one attended in support of or in opposition to the applications.

Mr. John O'Malley Jr., agent for applicant, stated the development would be done in stages with 60% being sold before starting construction.

Resolution: 2010-217

Moved by Councillor Forrest

Seconded by Councillor Wilhelm

That the Public Meeting for the Plan of Subdivision and Plan of Condominium Applications submitted by Wallaceview Developments Ltd. In Listowel Ward, North Perth on lands described as Block 159, Registered Plan 563 be closed and Perth County Council reconvene.

Carried

7. Delegations

7.1 Stratford Rotary – Visit to City of Perth, Scotland

Mr. Clark Mitchell, member of the Stratford Rotary Club, was present to extend a thank you to the County of Perth for their contribution of County memorabilia for their recent trip to the City of Perth, Scotland and present a gift to County from the City of Perth.

8. Adjourn to Committee of the Whole

Resolution: 2010-218

Moved by Councillor Forrest

Seconded by Councillor McTavish

That the Council of the County of Perth adjourns to convene as Committee of the Whole at 10:25 a.m.

Carried

Councillor McKay took the Chair for the Committee of the Whole.

Presentation and Consideration of Reports in Committee of the Whole

8.1 Planning and Development

8.1.1 Terrier Inc. Plan of Subdivision, North Perth, Listowel, Ward Part Lot 34, Concession 1

Recommendation: 2010-219

Moved by Councillor Hollinger

Seconded by Councillor Seiler

That County decision for the Terrier Inc. Plan of Subdivision application on lands described as Part Lot 34, Concession 1 in the Listowel Ward (formerly in the Township of Elma) be deferred to the June 17, 2010 Council to allow North Perth to address the concern with the retention of the natural area.

Carried

8.1.2 Wallaceview Developments Ltd, North Perth, Listowel Ward Plan of Subdivision, Plan of Condominium Block 159, Registered Plan 563

Recommendation: 2010-220

Moved by Councillor McTavish

Seconded by Councillor Forrest

That the Committee of the Whole recommend to Perth County Council that the County move toward giving Draft Plan Approval for a subdivision by Wallaceview Developments Ltd. affecting property described as Block 159, Registered Plan No. 563 in the Listowel Ward of the Municipality of North Perth and that Planning and Development Department staff proceed with the preparation of a supplementary report containing conditions for the draft plan approval for a subsequent County Council meeting; and

That the Committee of the Whole recommend to Perth County Council that the County move toward giving Draft Plan Approval for a condominium by Wallaceview Developments Ltd. affecting property described as Block 159, Registered Plan No. 563 in the Listowel Ward of the Municipality of North Perth and that Planning and Development Department staff proceed with the preparation of a supplementary report containing conditions for the draft plan approval for a subsequent County Council meeting.

Carried

8.1.3 Tree Inspections

Recommendation: 2010-221

Moved by Councillor McMillan

Seconded by Councillor Forrest

That the Committee of the Whole recommends to Perth County Council that the Tree Inspection Report dated April 15, 2010 be accepted as presented.

Carried

8.1.4 Other Matters

- Province delayed review of Provincial Policy Statements to August 31, 2010. County and lower tiers could possibly submit a joint report.
- No dates have been set for the Surplus Farm House appeal to the Ontario Municipal Board.

8.2 **CAO**

8.2.1 Access Awareness Week

Recommendation: 2010-222

Moved by Councillor Hollinger

Seconded by Councillor Wilhelm

That the Committee of the Whole recommends to County Council that they recognize and encourage the public to acknowledge the week of May 30th – June 5th, 2010 as 'National Access Awareness Week'.

Carried

8.2.2 Warden's Activity Report

Recommendation: 2010-223

Moved by Councillor Forrest

Seconded by Councillor Kehl

That the Committee of the Whole recommends to Perth County Council that the Warden's Activity Report for April 2010 and dated May 20, 2010 be received for information.

Carried

8.2.3 Other Matters - None

8.3 Corporate Services

8.3.1 Other Matters - None

8.4 Emergency Medical Services

8.4.1 Other Matters

EMS was requested to arrange for Mr. Andrew Williams, CEO, of Huron Perth Healthcare Alliance to attend Council to explain the impact on Emergency Medical Services from the proposed changes to health care.

The following activities are being conducted for EMS Week:

- Stem Cell Challenge
- Heart and Stroke Big Bike (raised \$900.00)
- Mall display
- IMPACT program at Mitchell High School
- Ice cream cakes for staff from the Community Education Group

8.5 Public Works

8.5.1 Tender Report – Fuel Supply

Recommendation: 2010-224

Moved by Councillor Wilhelm

Seconded by Councillor McTavish

That the Committee of the Whole recommends to Perth County Council that the contract for the supply of clear and coloured diesel fuel, for a 2 year period commencing June 1, 2010 be awarded to Gra Ham Energy Ltd.

Carried

8.5.2 Other Matters – None

8.6 Financial Reports – None

9.0 Correspondence/Minutes of Outside Boards/Committees

No correspondence or Minutes presented.

Recommendation: 2010-225

Moved by Councillor Seiler

Seconded by Councillor Kehl

To adjourn Committee of the Whole and reconvene as Council at 10:57 am.

Carried

Warden Behrns resumed Chair

10. Business Arising from Committee of the Whole

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

10.2 Deferral of Recommendations from Committee of the Whole – None

10.3 Endorsement of Recommendations from Committee of the Whole

Resolution: 2010-226

Moved by Councillor McMillan

Seconded by Councillor Seiler

That the Council of the Corporation of the County of Perth endorses all recommendations from Committee of the Whole on May 20, 2010.

Carried

11. **Notice of Motions** – None

12. **New Business** - None

13. **By-Laws** - None

14. **Closed Meeting** –

14.1 Litigation or possible Litigation

Resolution: 2010-227

Moved by Councillor Hollinger

Seconded by Councillor Forrest

That Perth County Council move to Closed Meeting at 10:58 a.m. in accordance with Sec. 239 of the *Municipal Act S.O. 2001 c. 25* (as amended), regarding subject matter as follows:

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board pertaining to tree by-law and shared services

Carried

Council reconvened in Regular Meeting at 12:11 p.m.

15. **Confirmatory By-Law**

Resolution: 2010-228

Moved by Councillor McMillan

Seconded by Councillor Forrest

That By-law 3195-2010 being a By-law to confirm the proceedings of the Council of the Corporation of the County of Perth, at its Regular Meeting on May 20, 2010 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

16. **Adjournment**

Resolution: 2010-229

Moved by Councillor Forrest

Seconded by Councillor Kehl

That the May 20, 2010 Regular Meeting of Perth County Council be adjourned at 12:12 p.m.

Carried

“Julie Behrns”

“R. William Arthur”

Warden, Julie Behrns

R. William Arthur, Clerk