



# The Corporation of The County of Perth

## Minutes of the October 21, 2010 Council Meeting

October 21, 2010

Council Present: Councillor McKay  
Councillor Wilhelm  
Councillor McTavish  
Councillor Forrest  
Councillor McMillan  
Councillor VanBakel  
Councillor Kehl  
Councillor Hollinger  
Warden Behrns  
Councillor Seiler

Absent: Dept Head Dave Hanly

Staff Present: Bill Arthur, CAO  
Renato Pullia, Dept Head  
Matt Ash, Dept Head  
Carol Zimmer, Deputy Clerk  
Linda Rockwood, Dept Head

Others Present: Allan Rothwell, Senior Planner

### **2. OPENING PRAYER**

The Regular meeting of Perth County Council commenced with Opening Prayer.

### **3. DISCLOSURE OF PECUNIARY INTEREST**

No Disclosure of Pecuniary Interest stated.

### **4. ADDITION TO AGENDA/ADOPTION**

The September 16, 2010 Economic Development Committee minutes approved at October 7, 2010 Council.

**2010-443**

**Moved By: Councillor Seiler**  
**Seconded By: Councillor Wilhelm**

That item 9.2.1 Economic Development Committee minutes of September 16, 2010 be removed from agenda; that the delegation be moved forward on the Agenda

And that the agenda as amended for October 21, 2010 be adopted.

Carried

## **7. DELEGATIONS**

### **7.1 EMS Awards**

Mike Grosz and Julie Jeffrey received the EMS Exemplary Service Award which recognizes professionals who provide pre-hospital emergency medical services, who have performed their duties in an exemplary manner, characterized by good conduct, industry and efficiency for a period of 20 years.

Warden Behrns expressed congratulations from Perth County Council.

## **5. CONSENT AGENDA AND COUNCIL MINUTES**

- 5.1 Regular Meeting Minutes October 7, 2010**
- 5.2 OMAFRA - Premier's Award for Agri-Food Innovation**
- 5.3 Town of Fort Erie - Land Conservation Services**
- 5.4 AMO Watch File -October 7, 2010**
- 5.5 AMO Watch File -October 14, 2010**

**2010-444**

**Moved By: Councillor Kehl**  
**Seconded By: Councillor Forrest**

That items 5.1 to 5.5 on the Consent Agenda be received for information and the minutes of the October 7, 2010 Regular Meeting be approved.

Carried

## **6. ADJOURN TO PUBLIC MEETING**

**2010-445**

**Moved By: Councillor McMillan**

**Seconded By: Councillor Forrest**

That the Council of the County of Perth recess for the purpose of moving into a Public Meeting for the Plan of Subdivision NP10-04 submitted by Brandon Zyta on lands described as Park Lots 9 and 10, Registered Plan No. 294 in the Elma Ward of the Municipality of North Perth at 9:09 a.m.

Carried

**6.1 Plan of Subdivision NP10-04 - Brandon Zyta**

Allan Rothwell, Senior Planner, reviewed the purpose of the application (NP 10-04 Plan of Subdivision) which will create a residential Plan of Subdivision consisting of 13 lots for single-detached dwellings on property described as Park Lots 9 and 10, Registered Plan 294 in the Elma Ward of the Municipality of North Perth. Notice was given in accordance with The Planning Act on October 1, 2010.

A sign was posted on the property as well as notice posted on the County website. No written comments from the public received in response. Comments from agencies included:

North Perth Council recommended approval with conditions, Hydro One Networks – no objections, Union Gas requested conditions dealing with necessary easements and/or agreements for the provision of gas services; Huron-Perth Catholic District School Board – no concerns. No adverse affects on public facilities/services are anticipated. The development will be located at the west edge of Atwood.

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

The agent for the applicant, Mr. Green, has reviewed the report and agrees to the conditions. Outstanding issues with North Perth Planning Advisory Committee and North Perth Council have been resolved. The island in the cul-de-sac has been removed from the plan.

North Perth Public Works is satisfied that snow removal is adequately addressed.

Warden Behrns outlined the further approval process to be followed.

**2010-446**

**Moved By: Councillor McKay**

**Seconded By: Councillor Hollinger**

That the Public Meeting for the Plan of Subdivision submitted by Brandon Zyta on lands described as Park Lots 9 and 10, Registered Plan 294 in the Elma Ward of the Municipality of North Perth be closed and Perth County Council reconvene at 9:16 a.m.

Carried

**2010-447**

**Moved By: Councillor McTavish**

**Seconded By: Councillor Wilhelm**

That the Council of the County of Perth recess for the purpose of moving into a Public Meeting for the Official Plan Amendment Application submitted by Steven and Irene Eby (Abner Martin, agent) for lands described as part of Lots 35 and 36, Concession 5 in the Elma Ward of the Municipality of North Perth at 9:17 a.m.

Carried

**6.2 Official Plan Amendment 107 - Steven & Irene Eby**

Allan Rothwell, Senior Planner, reviewed the purpose of the application (OPA107 Eby) requesting an exception to the "Agriculture" land use policies as they apply to the subject property to permit a new church (meeting house) and a cemetery on a 1.01 hectare (2.5 acre) portion of a 60.7 hectare (150 acre) farm property.

Notice was given in accordance with The Planning Act on October 1, 2010. Written comments have been received from North Perth Council recommending that the subject OPA application be denied as it does not conform to the Provincial Policy Statements. Maitland Valley Conservation Authority has no concerns. Tim and Jen Martin submitted a written objection to the application as it would directly impact expansion of their farm and neighbouring farms.

Mr. Rothwell commented on the existing policy which was approved by OMB with signed agreement between the County and the Old Order Mennonite and Amish addressing schools, churches and cemeteries. Cemeteries would be designated

as Type A land use for MDS purposes but the church or meeting house would be a Type B and the separation distance doubles for this.

Aaron Weber spoke in support of the application, although not a member of the community, and has been involved in both the current application and the existing agreement from the OMB decision. He stated that the agreement signed in 1999 should be amendable in this century to meet the needs of the community. After a series of meetings and consultation, the Old Order Mennonite group compromised on the final agreement and advice was given that an Official Plan Amendment application could be submitted to request changes but no guarantees were given.

A meeting house is an important part of the community and the application for the OPA is being submitted at this time. The statement from the Planning Department that other properties are available is challenged as they do not meet the needs of the community, are within a built up area (Britton) or the distance is too great for travelling and would be unsafe for horse and buggy. Locating in Britton would create an unsafe environment for horse and buggy as shoulders are insufficient and the location would create traffic problems as most horses would travel in the same direction and create congestion at the intersection. Horses travelling on heavily travelled roads creates unsafe conditions.

The Provincial Policy Statement is intended to build a strong community and long term well being for future generations. Generations and their needs change over the years.

Jason Martin read a letter from the Wellington County OPP Operations Manager giving safety concerns and information on buggy related accidents. He suggested wider road shoulders and encouraging the establishment of schools and places of worship in rural areas where the traffic volumes are significantly less.

Mr. Edward Bennett, who has worked with the Old Order Mennonite and Amish since 1991 and involved in the 1999 OMB process spoke in support of the application. He understands the concern to protect agricultural land and has seen huge forms of progress since the late 90's and development of good relationship between the County and small farm owners and the horse and buggy community.

There are serious problems with MDS related to the horse and buggy community. With regards to the nursery barn on the Eby property, the distance is just short of the MDS requirements. With 100 to 150 horses at the meeting house, there will be more animal units on the meeting house property than in the neighbouring barn. There is a need to think differently when dealing with the horse and buggy community so there are not as many restrictions. The church and cemetery are intertwined and need to be in close proximity for moving coffins. The Community is resilient and growing, paying taxes but manage their own schools, train family to be good citizens, develop their own economy and are important contribution to society.

The location of the school on leased property to the east was a compromise due to pressure from neighbours and is not a suitable location for meeting house and cemetery. He views the application as a reasonable request and asked that Council give consideration for approval. The proposed location will allow horses and buggies to travel in multiple directions providing for much safer road travel.

James Bauman, Deacon in area, expressed a thank you for the work done on the file today. The church and cemetery are needed to serve the present community. The community has been unsuccessful in their search of other suitable property.

No one was present in opposition to the application.

Abner Martin, Agent, expressed the need for a new meeting house and cemetery for the community. Their search for another suitable location that meets the MDS requirement has been unsuccessful. The present school location, situated a distance from the road, is not suitable as the cemetery and meeting house need to be close to the road.

All the Provincial Policy Statements should be applied to the decision. Part V 1.1.1 requires avoidance of development and land use patterns that may cause environmental or public health and safety concerns. Having the meeting house and cemetery a distance from the community means more travel time on local roads which creates a greater risk of accidents. Within the Old Order Mennonite faith community, a central place to gather for worship services is an important and necessary part of a healthy, livable and safe community.

Section 1.1.4.1 requires development to be compatible with the rural landscape. A central place to gather for worship services is not only compatible with the rural landscape, but a necessity to preserve the community and according to the Provincial Policy Statements should be promoted. Neighbouring counties are willing to allow for a 'Type A' land use in similar situations and giving concessions on MDS allowances. A school in Wellington County has been allowed on property but the land must revert back to agriculture when the school no longer exists.

Leased property that meets MDS requirements is available behind the Eby hog nursery but is not suitable as the cemetery can't be located there and travelling a long distance to the meeting house is difficult and unsafe. 100 to 150 horses would gather at the meeting house for service or events.

The proposed lot will give smooth flow of buggy traffic and is located a distance from barns. Denial of this application will not eliminate the need for a meeting house.

The community is part of the Waterloo region and currently meets at Clearview Church. Services for communities from east and west have alternate meeting times in order to accommodate the congregation of 400 plus people. The Mapleton meeting house was recently constructed to accommodate the growing community and now a facility is required for the western area.

Mr. Rothwell displayed a map which was submitted with the application showing the currently existing meeting houses in the area. He confirmed that the creation of this lot for school and cemetery should have no greater impact on MDS for the Martin farm than the existing school property located to the east of the proposed lot. The impact on neighbouring property would be dependent on the livestock units.

As the representatives of the community were not allowed to make a presentation to North Perth Council, they felt that North Perth made their decision without hearing all the evidence. Councillor Hollinger explained the process at North Perth. The applicant made their presentation to the North Perth Planning Advisory Committee. Further he advised that no request was made by the group to make a presentation to Council. Council reviewed the recommendation from their Planning Advisory Committee.

Warden Behrns reviewed the process for dealing with the application.

**2010-448**

**Moved By: Councillor Wilhelm**

**Seconded By: Councillor Forrest**

That the Public Meeting for the Official Plan Amendment 107 Application submitted by Steven and Irene Eby(Abner Martin, agent) on lands described by part of Lots 35 and 36, Concession 5 in the Elma Ward be closed and Perth County Council reconvene at 10:36 a.m.

Carried

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

Councillor McMillan took the Chair for Committee of the Whole.

**2010-449**

**Moved By: Councillor Forrest**

**Seconded By: Councillor McMillan**

That the Council of the County of Perth adjourns to convene as Committee of the Whole at 10:38 a.m.

Carried

**8.1 Planning and Development**

Recess taken at 10:38 AM

**8.1.1 Plan of Subdivision NP 10-04 - Brandon Zyta**

The Plan of Subdivision has been revised to remove the island in the cul-de-sac. Comments are expected from the Maitland Valley Conservation Authority indicating no concerns.

**2010-450**

**Moved By: Councillor Hollinger**

**Seconded By: Councillor McTavish**



That the Committee of the Whole recommends to Perth County Council that the County move toward giving Draft Plan Approval for a subdivision by Brandon Zyta affecting property described as Park Lots 9 and 10, Registered Plan No. 294 in the Elma Ward of the Municipality of North Perth (File No. NP 10-04) 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

### **8.1.2 OPA NP 107 -NP Elma Report**

It was confirmed that the proposed lot would be located on the south east corner of the farm property fronting on Road 140 and Line 78 with the cemetery on the north end of the new proposed lot.

#### **2010-451**

**Moved By: Councillor Forrest**

**Seconded By: Councillor Hollinger**

That the Committee of the Whole recommends to Perth County Council that the Application OPA 107 for an Amendment to the County of Perth Official Plan by Steven and Irene Eby (Abner Martin, agent) affecting property described as part of Lots 35 and 36, Concession 5 in the Elma Ward be deferred for a further report from Planning and Development.

Carried

### **8.1.3 Tree Inspection Report**

#### **2010-452**

**Moved By: Councillor Forrest**

**Seconded By: Councillor Wilhelm**

That the Committee of the Whole recommends to Perth County Council that the Tree Inspection Report dated October 7, 2010 be accepted as presented.

Carried

#### **8.1.4 OPA 104 - Atwood-Shakespeare**

The wording in the Amendment has been changed to 'Serviced Urban Area'. Municipal Affairs and Housing comments have not been received. Perth East and North Perth recommends to proceed. The northeast corner in Atwood has been removed from 'Village' to 'Agriculture' designation.

Other urban areas could be added to the County Official Plan in the future.

#### **2010-453**

**Moved By: Councillor McTavish**

**Seconded By: Councillor Seiler**

That the Committee of the Whole recommends to Perth County Council that proposed OPA No. 104 initiated by the County and affecting the Atwood and Shakespeare settlement areas be approved.

Carried

#### **8.1.5 Official Plan Amendment No. 11**

Perth East and Planning Department recommend refusal of the application as no supporting documentation has been submitted for 6 years.

#### **2010-454**

**Moved By: Councillor Forrest**

**Seconded By: Councillor McKay**

That the Committee of the Whole recommends to Perth County Council that the OPA No. 11 application by William and Ruth Lindner affecting property described as part of Lot 20, Concession 1 in the North Easthope Ward of the Township of Perth East, which application has been inactive for a considerable length of time with no additional justification material having been submitted to address the previously identified planning concerns, be refused.

Carried

#### **8.1.6 Other Planning Matter**

No other Planning matters.

## **8.2 CAO**

### **8.2.1 Warden's Activity Report -September 2010**

**2010-455**

**Moved By: Councillor Hollinger**

**Seconded By: Councillor VanBakel**

That the Committee of the Whole recommends to Perth County Council that the Warden's Activity Report for September 2010 dated October 21, 2010 be received for information.

Carried

### **8.2.2 Promotion Item Policy**

**2010-456**

**Moved By: Councillor McKay**

**Seconded By: Councillor Kehl**

That the Committee of the Whole recommends to Perth County Council that Policy Number CL-2.02, Use and Distribution of Promotional Items, October 21, 2010 be approved.

Carried

### **8.2.3 Other Matter - CAO**

No other CAO matters.

## **8.3 Corporate Services**

### **8.3.1 Other Matters - Corporate Services**

No other Corporate Services matters.

## **8.4 Emergency Medical Services**

### **8.4.1 Appointment of Alternate CEMC**

**2010-457**

**Moved By: Councillor Forrest**

**Seconded By: Councillor Wilhelm**

That the Committee of the Whole recommends to Perth County Council to hereby appoint 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 Emergency Services, Medical Officer of Health, Director of Planning and Development, Director of Public Works, Director of Social Services, Duty Officer

And that Heather Sturgeon, Planning Technician, be appointed as the Alternate Community Emergency Management Coordinator for the County of Perth.

Carried

**8.4.2 Other Matter - EMS**

No other EMS matters.

**8.5 Public Works**

**8.5.1 Other Matters -Public Works**

No other Public Works matters.

Financial Statements

**8.6 Financial Reports**

**8.6.1 CAO Financial Report**

**2010-458**

**Moved By: Councillor McTavish**

**Seconded By: Councillor Kehl**

That the Committee of the Whole recommends to Perth County Council that the CAO 3rd quarter financial report be received for information.

Carried

### **8.6.2 Corporate Services Financial Report**

**2010-459**

**Moved By: Councillor VanBakel**

**Seconded By: Councillor McKay**

That the Committee of the Whole recommends to Perth County Council that the Corporate Services 3rd quarter financial report be received for information.

Carried

### **8.6.3 Public Works Financial Report**

Construction projects completed except Dublin which will be completed on schedule.

St. Marys invoice which was issued at the direction of Council remains unpaid.

**2010-460**

**Moved By: Warden Behrns**

**Seconded By: Councillor Wilhelm**

That the Committee of the Whole recommends to Perth County Council that the Public Works 3rd quarter financial report be received for information.

Carried

### **8.6.4 EMS Financial Report**

Advised that there is a potential EMS claw back from province for 2010.

**2010-461**

**Moved By: Warden Behrns**

**Seconded By: Councillor Kehl**

That the Committee of the Whole recommends to Perth County Council that the Emergency Medical Services and Emergency Management Financial Reports for the 3rd quarter be received for information.

Carried

**8.6.5 Planning Financial Report**

Air photography should be done by year end.

**2010-462**

**Moved By: Councillor McKay**

**Seconded By: Councillor Hollinger**

That the Committee of the Whole recommends to Perth County Council that the Planning and Development 3rd quarter financial report be received for information.

Carried

**8.6.6 County Financial Report**

**2010-463**

**Moved By: Councillor McTavish**

**Seconded By: Councillor Forrest**

That the Committee of the Whole recommends to Perth County Council that the County's Operating and Capital 3rd quarter financial report be received for information.

Carried

**9. CORRESPONDENCE/BOARD AND COMMITTEE MINUTES**

**9.1 Correspondence**

No correspondence presented.

## **9.2 Minutes of Committees**

### **9.2.1 Economic Development Committee - September 16, 2010**

Economic Development Committee minutes of September 16, 2010 removed from agenda as previously approved by Council.

### **9.2.2 Economic Development Committee Minutes October 12, 2010**

**2010-464**

**Moved By: Councillor Hollinger**

**Seconded By: Councillor Wilhelm**

That the Committee of the Whole recommends to Perth County Council that the minutes of Economic Development Committee on October 12, 2010 be received for information and the continuation of the Perth County Kitchen project (Item 7.) be endorsed.

Carried

## **9.3 Minutes of Outside Boards**

### **9.3.1 Perth District Health Unit Minutes - June 16, 2010**

Funding for a Nurse practitioner program discussed which could be under PDHU or Family Health Team.

**2010-465**

**Moved By: Warden Behrns**

**Seconded By: Councillor VanBakel**

That the Committee of the Whole recommends to Perth County Council that the minutes of Perth District Health Unit, dated June 16, 2010 be received.

Carried

**2010-466**

**Moved By: Councillor Forrest**

**Seconded By: Councillor Wilhelm**

That the Committee of the Whole adjourn andf reconvene as Copuncil at 11:39 a.m.

Carried

## **10. BUSINESS ARISING FROM COMMITTEE OF THE WHOLE**

Warden Behrns resumed Chair for County Council.

No items were deferred or removed from the Committee of the Whole recommendations.

**2010-467**

**Moved By: Councillor McMillan**

**Seconded By: Councillor Wilhelm**

That the Council of the County of Perth endorses all recommendations from the Committee of the Whole on October 21, 2010.

Carried

## **11. NOTICE OF MOTIONS**

No Notice of Motions were stated.

## **12. NEW BUSINESS**

County Councillors were reminded of wreath laying for the County for Rembrance Day.

## **13. BY-LAWS**

### **13.1 By-law 3212-2010 To adopt OPA 104**

**2010-468**

**Moved By: Councillor Forrest**

**Seconded By: Councillor McTavish**

That By-law 3212-2010 to adopt Official Plan Amendment 104 to the



County of Perth Official Plan be read a first and second time.

Carried

**2010-469**

**Moved By: Councillor VanBakel**

**Seconded By: Councillor Kehl**

That By-law 3212-2010 to adopt Official Plan Amendment 104 to the County of Perth Official Plan 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

**14. CLOSED MEETING**

No Closed Meeting required.

**15. REPORT OUT**

None required.

**16. CONFIRMING BY-LAW**

**2010-470**

**Moved By: Councillor Hollinger**

**Seconded By: Councillor McKay**

That By-law 3213-2010, being a By-law to confirm the Proceedings of the Council of the Corporation of the County of Perth at its Regular Meeting held on October 21, 2010 be read a first, second and third time. And that the Warden and the Clerk are hereby authorized and instructed to sign the same, and attach the Corporate Seal thereto

Carried

**17. ADJOURNMENT**

October 21, 2010

Page 18 of 18

**2010-471**

**Moved By: Councillor Forrest**

**Seconded By: Councillor Kehl**

THAT the meeting adjourn at 11:44 AM

Carried

“Julie Behrns”

“R. William Arthur”

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Julie Behrns, Warden

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R. William Arthur, Clerk