



The Corporation of The County of Perth

Minutes of the November 18, 2010 Council Meeting

November 18, 2010

- Council Present: Councillor McKay
 Councillor Wilhelm
 Councillor Forrest
 Councillor VanBakel
 Councillor Kehl
 Warden Behrns
 Councillor Seiler
- Absent: Councillor Robert J. McTavish
 Councillor Bob McMillan
 Councillor Ed Hollinger
- Staff Present: Bill Arthur, CAO
 Carol Zimmer, Deputy Clerk
 Linda Rockwood, Director of Emergency
 Medical Services
 Renato Pullia, Director of Corporate
 Services, Treasurer
 Dave Hanly, Director of Planning &
 Development
 Matt Ash, Director of Public Works
- Others Present: Pauline Walkom, recording secretary

3. DISCLOSURE OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

2. OPENING PRAYER

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

4. ADDITION TO AGENDA/ADOPTION

2010-496

Moved By: Councillor Kehl

Seconded By: Councillor Forrest

The following items were added to the agenda under New Business.

12.1 Remembrance Day Wreaths

12.2 PCFA Annual Meeting

12.3 Council Year End Comments

12.4 Farmers Matter

12.5 Dec 15 Councillor Training/Education

12.6 Carol Zimmer Retirement Party

Carried

5. CONSENT AGENDA AND COUNCIL MINUTES

Resolution 2010-477 was corrected to read, "That the Council of the County of Perth recommends that the incoming Council give consideration to forgiving the Stratford-Perth Museum loan of \$360,000 and that this recommendation be contingent on the City of Stratford agreeing to the same proposal."

5.1 Regular Minutes of Council - November 4, 2010

5.2 Municipal Taxpayer Advocacy Group - Tax on Hydro Bills

5.3 AMO Watch File November 10, 2010

2010-497

Moved By: Councillor McKay

Seconded By: Councillor Seiler

That Items 5.1 to 5.3 be received for information and the minutes of November 4, 2010 as amended be approved.

Carried

6. ADJOURN TO PUBLIC MEETING

No public meeting.

7. DELEGATIONS

A Delegation attended Council to present new information regarding OPA 107 application (Eby). Attending were Mr. Abner Martin, agent for the applicant, Mr. Aaron Weber and Mr. Ed Bennett.

Mr. Weber expressed the need for the community to have a local place to worship and bury their dead. If property is acquired in Britton, the quality of life and safety would suffer and a highway location would create unsafe conditions for the community. Current regulations have been written by people who drive cars but travelling with horse and buggy is different. The proposal put forth in the application is normal practice in other municipalities and has not been appealed by the Province. If the OPA is approved, it is reasonable to believe that the Province will not appeal the decision. Planning Department stated that the application does not conform to the Provincial Policy Statements but Mr. Weber questioned compliance with the safe, healthy communities policy statement if not approved. Mr. Tim Martin has concerns with the future expansion of his farm operation but the school location already affects this and the meeting house at the proposed location will have no further impact.

Modes of travel have changed over the years, moving from mostly horses to horse and buggy to cars. In earlier years, cars had to stop and pull over for horses. Today, the unique needs of the community should be addressed and every situation needs to be addressed.

With regards to the compliance with the Official Plan, it should be noted that the Mennonite community chose to compromise on the agreement signed in 1998 but indicated they still had difficulties in finding a suitable location. They were told that an Official Plan Amendment application could be filed in the future.

Mr. Ed Bennett stressed that environmental factors must be considered in relation to Provincial Policy Statements. In 1996, the Court ruled that the Charter of Rights and Freedoms superseded local bylaws when horse and buggy communities are involved. Today, we are dealing with a community of families who make a positive impact and a way is needed to enforce the Charter of Rights. We need to look at the MDS requirements differently to allow freedom and practice of religion for this community.

Mr. Abner Martin gave comments of the Wellington County OPP regarding traffic safety stating that it is important as ever for horse and buggy users to be safe on the roads. Most horses shy or jump at anything that looks dangerous and solutions need to be found.

Mr. Martin responded to the Planning Department's statement that other sites were available. The inappropriateness of the Britton and Eby farm cluster locations were addressed at the Public Meeting. Travel to the North Mornington Presbyterian Church area is too great for

horse and buggy travel, too close to other meeting houses and having building for 100 horses could pose a problem with the members of the North Mornington church property. Property north of the Eby farm is not suitable and area on Lot 36 is not for sale. Location on Tim Martin farm would be in the middle of prime agricultural land and is also not for sale. Property east of Road 140 on the Horst property has drainage issues and is adjacent to a residential property which could be impacted by the horses.

No other site from the proposed one is suitable and provisions can be used with discretion and can be applied with site specific conditions.

8. ADJOURN TO COMMITTEE OF THE WHOLE

Councillor Forrest chaired Committee of the Whole.

2010-498

Moved By: Councillor Wilhelm

Seconded By: Councillor Seiler

That the Council of the County of Perth adjourns to convene as Committee of the Whole at 9.27 a.m.

Carried

8.1 Planning and Development

8.1.1 OPA 107 EBY

Mr. Rothwell stated that in reference to Mr. Weber's comment that the Ministry did not appeal the decision in neighbouring municipality, the matter was dealt with under a Zoning By-law Amendment and the application was not required to be circulated to the Province. Revised MDS calculation No. 6 and air photo was distributed. Discussion took place on the difference between MDS 1 and 2 and Type A vs. Type B land uses.

On November 15, 2011, Mr. Rothwell met with the Mennonite property committee, staff from MMAH, and OMAFRA on the subject site and discussed other sites as well as the review of the PPS, and the MDS document.

The difference between Type A and Type B classes was discussed and it was confirmed that the current application is a Type B land use which basically doubles the MDS distance required. Cemeteries are classed as Type B in the MDS document but Council can make the decision to reduce the MDS distance.

Discussion took place on other possible properties.

Warden Behrns stated that the application doesn't conform to the Provincial Policy Statements or the County Official Plan. To change to a church as a Type A land use is not minor when changing the required MDS distance from more than 2500 feet to 1700 feet and will set dangerous precedent.

2010-499

Moved By: Councillor McKay

Seconded By: Councillor Kehl

That the Committee of the Whole recommends to Perth County Council that the Application 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 of the Municipality of North Perth be approved.

Carried

8.1.2 North Perth OPA 103 Secondary Farm

OPA 103 dealing with secondary farm uses was previously before County Council but was deferred in order to discuss satisfactory wording with North Perth Council that would allow North Perth to enforce regulation less than the maximum. Wording issues have now been satisfied and the application is now before Council.

2010-500

Moved By: Councillor VanBakel

Seconded By: Warden Behrns

That the Committee of the Whole recommends to Perth County Council that the Application for an Amendment to the County of Perth Official Plan as originally submitted by the Municipality of North Perth concerning the secondary farm occupation policies of Section 5.5.7 not be proceeded with and instead that the Section 5.5.7 policies be amended in the manner set out in the Planning Director's November 18, 2010 report to County Council.

Carried

8.1.3 Urban Woodlot

2010-501

Moved By: Councillor Kehl
Seconded By: Councillor Wilhelm

That the Committee of the Whole recommends to Perth County Council that the strategy for the protection and preservation of urban woodlots as set out in the Planning Director's November 18, 2010 report to County Council on the urban woodlot issue be accepted and implemented through the actions noted in the November 18, 2010 report.

Carried

8.1.4 Tree Inspection Report

2010-502

Moved By: Warden Behrns
Seconded By: Councillor Seiler

That the Committee of the Whole recommends to Perth County Council that the Tree Inspection Report dated November 18, 2010 be received for information.

Carried

8.1.5 Listowel Ward Official Plan

Mr. Rothwell stated that modifications were made from comments received from Municipal Affairs and North Perth is satisfied with changes.

2010-503

Moved By: Councillor Seiler
Seconded By: Councillor VanBakel

That the Committee of the Whole recommends to Perth County Council that the County approve the new Official Plan for the Listowel Ward of the Municipality of North Perth subject to the changes/modifications as noted in and attached to the Planning Director's November 18, 2010 report to County Council.

Carried

8.1.6 WP- 10-01 Plan of Subdivision

Mr. Rothwell reported that there are issues regarding ownership and therefore requested to withdraw this item.

2010-504

Moved By: Councillor McKay

Seconded By: Councillor Wilhelm

That the report on West Perth 10-01 Plan of Subdivision for 789274 Ontario Inc. be withdrawn.

Carried

8.1.7 Other Matters - Planning

No other matters.

8.2 CAO

Council recessed for seven minutes.

8.2.1 Closed Meeting Investigator

Mr. Arthur advised under The Municipal Act, the Corporation must have an investigator. It has been proposed to extend contract with our current Meeting Investigator, Mr. Gregory Stewart of the law firm of Donnelly, Murphy. There has been no cost for the past three years.

2010-505

Moved By: Councillor McKay

Seconded By: Councillor Wilhelm

That the Committee of the Whole recommends to Perth County Council that an Agreement with Gregory Stewart of the law firm of Donnelly, Murphy for the appointment of Closed Meeting Investigator for Perth County be renewed for a further 3 years at a rate of \$250.00 per hour plus applicable taxes and reimbursement of expenses.

Carried

8.2.2 Warden's Activity Report

2010-506

Moved By: Councillor Wilhelm

Seconded By: Councillor Kehl

That the Committee of the Whole recommends to Perth County Council that the Warden's Activity report dated November 18, 2010 be received for information.

Carried

8.2.3 Other Matters - CAO Department

No other matters.

8.3 Corporate Services

8.3.1 Other Matters - Corporate Services

No other matters.

8.4 Emergency Medical Services

8.4.1 Red Cross First Aid Agreement

2010-507

Moved By: Councillor Wilhelm

Seconded By: Warden Behrns

That the Committee of the Whole recommends to Perth County Council that Perth County authorize the signing of an agreement between the Canadian Red Cross Society and The Corporation of Perth for the purposes of First Aid and CPR instruction.

Carried

8.4.2 Stroke By Pass

2010-508

Moved By: Councillor McKay

Seconded By: Councillor Kehl

That the Committee of the Whole recommends to Perth County Council that Perth County authorize the signing of the "local agreement -destination policy protocol for transfer to Alexandra Marine and General Hospital (AMGH) for Adult acute stroke patients who may be candidates for Thrombolytic Therapy (tPA)" by the Warden and CAO of Perth County.

Carried

8.4.3 Other Matters - EMS

Councillor Kehl raised the issue of Passport Radios. West Perth does not wish to operate Passport Radios at this time under the recently approve radio communication program and requested that the County commit to future purchase of four Passport radios when the municipality is in a position to use them. West Perth will at that time be responsible for the operating costs of the radios as outlined in the program.

2010-509

Moved By: Warden Behrns

Seconded By: Councillor VanBakel

That the Committee of the Whole recommends to Perth County Council that when West Perth is agreeable to implementing Passport Radios that the County would agree to purchase 4 Passport Radios at that time under the understanding that West Perth will cover the operating costs.

Carried

8.5 Public Works

8.5.1 Public Works - Other Matters

No other matters.

8.6 Financial Reports

8.6.1 Planning Financial Reports

2010-510

Moved By: Councillor Kehl
Seconded By: Councillor Wilhelm

That the Committee of the Whole recommends to Perth County Council that the Financial Statements for Planning dated October 31, 2010 be received for information.

Carried

8.6.2 CAO Financial Statements

2010-511

Moved By: Warden Behrns
Seconded By: Councillor Wilhelm

That the Committee of the Whole recommends that the Financial Statements for CAO Department dated October 31, 2010 be received for information.

Carried

8.6.3 Corporate Services Financial Statements

2010-512

Moved By: Councillor McKay
Seconded By: Councillor Wilhelm

That the Committee of the Whole recommends to Perth County Council that the Financial Statements for Corporate Services Department dated October 31, 2010 be received for information.

Carried

8.6.4 E.M.S. Financial Statements

2010-513

Moved By: Councillor Seiler
Seconded By: Councillor VanBakel

That the Committee of the Whole recommends to Perth County

Council that the Financial Statements for EMS Department dated October 31, 2010 be received for information.

Carried

8.6.5 Public Works Financial Statements

Mr. Ash advised that budget line 6720-31 for subcontractor on the Roads Operating Revenue and Expenses Report was incorrect due to entry duplication and has been adjusted.

2010-514

Moved By: Councillor Wilhelm

Seconded By: Councillor Kehl

That the Committee of the Whole recommends to Perth County Council that the Financial Statements for Public Works Department dated October 31, 2010 as amended be received for information.

Carried

8.6.6 Council and Grants Financial Statements

2010-515

Moved By: Warden Behrns

Seconded By: Councillor VanBakel

That the Committee of the Whole recommends to Perth County Council that the Financial Statements for County and Grants dated October 31, 2010 be received for information.

Carried

8.6.7 County -Summary- Financial Reports

Mr. Pullia advised that year end projections are in line.

2010-516

Moved By: Councillor Wilhelm

Seconded By: Councillor Seiler

That the Committee of the Whole recommends to Perth County

Council that the County's October 31st Operating and Capital Financial Summary reports be received for information.

Carried

9. CORRESPONDENCE/BOARD AND COMMITTEE MINUTES

9.1 Correspondence

9.1.1 MLC Minutes - October 21, 2010

2010-517

Moved By: Councillor Wilhelm

Seconded By: Councillor VanBakel

That the Committee of the Whole recommends to Perth County Council that the MLC minutes of October 21, 2010 be received

Carried

9.1.2 GRCA - Lake Erie Source Protection Committee

County staff was asked to follow up on letter received regarding the appointment to Lake Erie Protection Source Protection Committee.

2010-518

Moved By: Councillor VanBakel

Seconded By: Councillor Wilhelm

That the Committee of the Whole recommends to Perth County Council that the letter of GRCA -Lake Erie Protection Source Protection Committee be received for information.

Carried

9.2 Minutes of Committees

9.2.1 Economic Development Committee Minutes -November 4, 2010

2010-519

Moved By: Councillor McKay

Seconded By: Councillor VanBakel

That the Committee of the Whole recommend that Economic Development Committee minutes November 4, 2010 be received.

Carried

9.3 Minutes of Outside Boards

No other board minutes.

2010-520

Moved By: Councillor Wilhelm

Seconded By: Councillor Seiler

That the Committee of the Whole adjourn and reconvene as Council at 11:00 A.M.

Carried

10. BUSINESS ARISING FROM COMMITTEE OF THE WHOLE

Councillor Seiler requested that the Resolution for 8.1.1 for OPA 107 be removed and dealt with separately. Mr. Rothwell commented that if a decision is not made today and the matter comes before the new Council, a new public meeting is required. The OMB appeal process is available on any decision.

2010-521

Moved By: Councillor McKay

Seconded By: Councillor Forrest

That the Council of the County of Perth endorses all recommendations from the committee of the whole on November 18, 2010, except the recommendation for 8.1.1 OPA 107 Eby.

Carried

2010-522

Moved By: Councillor McKay

Seconded By: Councillor Kehl

That the Application for an Amendment to the County of Perth Official

Plan by Steven and Irene Eby (Abner Martin, agent) affecting property described as parts of Lots 35 and 36, Concession 5 in the Elma Ward of the Municipality of North Perth be approved.

(Due to tie vote, motion defeated)

Defeated

11. NOTICE OF MOTIONS

No Notice of Motions was stated.

12. NEW BUSINESS

12.1 Wreaths for Remembrance Day

Warden Behrns requested that the wreath laid in Listowel be similar to those laid by the M.P. and M.P.P. and staff was directed to contact the Listowel Legion Branch with the request.

12.2 Annual Meeting of the Perth County Federation of Agriculture.

Councillor Ian Forrest agreed to bring greetings on behalf of Perth County at the Annual Meeting of the Perth County Federation of Agriculture on November 27th.

12.3 Yearly Comments of County Council

As normal protocol, Council Councillors gave their comments and reflections of the past year which included the following:

- Appreciation and thanks for the Senior Management team concept
- Best wishes to the new Council
- Best wishes to the retiring Councillors
- Thanks to all staff, both management and front line, for the assistance
- Thanks to experienced Councillors for advice given
- Warden Behrns stated her intention to seek the position of Warden for 2011

12.4 Farmers Matter

Upcoming November 23rd meeting announced.

12.5 Council Orientation

There will be an Orientation session for all County Councillors on December 15th.

12.6 Deputy Clerk

There will be a retirement party for retiring Deputy Clerk, Carl Zimmer, on December 15th at 3 p.m.

12.7 Appreciation Gala

Warden Behrns extended appreciation to the organizing committee for the recently held Appreciation Gala. CAO, Bill Arthur, was asked to extend congratulations to the Committee.

13. BY-LAWS

13.1 By-Law 3216 - To appoint Meeting Investigator -Greg Stewart

2010-523

Moved By: Councillor Forrest

Seconded By: Councillor Wilhelm

That By-law 3216-2010, being a By-Law to authorize the Execution of an Agreement to Appoint a Municipal Investigator Between the Corporation of the County of Perth and Gregory Stewart of the firm Donnelly & Murphy be read a first and second time.

Carried

2010-524

Moved By: Councillor Seiler

Seconded By: Councillor McKay

That By-law 3216-2010, being a By-Law to authorize the Execution of an Agreement to Appoint a Municipal Investigator Between the Corporation of the County of Perth and Gregory Stewart of the firm Donnelly & Murphy 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

13.2 By-Law 3217 - To Adopt OPA 103

2010-525

Moved By: Councillor VanBakel

Seconded By: Councillor Forrest

That By-law 3217 –2010 being a By-law to adopt OPA 103 be read a first and second time

Carried

2010-526

Moved By: Councillor Wilhelm

Seconded By: Councillor VanBakel

That By-law 3217 –2010 being a By-law to adopt OPA 103 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.

15. REPORT OUT

No report out.

16. CONFIRMING BY-LAW

2010-527

Moved By: Councillor McKay

Seconded By: Councillor Seiler

That By-law 3218-2010, 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 November 18, 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

2010-528

Moved By: Councillor Kehl

Seconded By: Councillor McKay

THAT the meeting adjourn at 11:27 AM

Carried

Julie Behrns, Warden

R. William Arthur, Clerk