

MINUTES
of the Municipality of West Perth Council Meeting
on Monday, June 12, 2006
at 7:00 p.m. in the
Council Chambers
Municipality of West Perth

Present: All members were present, except Deputy Mayor MacLean
Staff: Pat Taylor, Clerk-Administrator; Barb Westlake-Power,
Deputy Clerk
Delegations as noted.

1. Call to Order.

The Mayor called the meeting to order followed by the Lord's Prayer.

Motion: 272-06

Moved by: Ruth Fiebig

Seconded by: Don Jones

THAT the following items be added to the agenda:

1. Application for Consent, Re: Block B, Plan 349, Part 1 Plan 44R-4318 (Boersma) – Mitchell Ward
2. Application for Consent, Re: Con3, Lots 26, Pt 27 and 28 (Tschudi) – Fullarton Ward
3. By-law 34-2006, being a by-law to provide for drainage works
Carried

2. Declaration of Conflict of Interest

None declared

3. Delegations-

- i) Perth District Health Unit – Smoking By-law
Lidija Halovanic and Tracey Allan-Koester were in attendance from Perth District Health Unit, to suggest that Council keep the West Perth Smoking By-law in place, in addition to new Provincial legislation. The primary concern from the Health Unit point of view were possible challenges to the Provincial legislation; if this were to occur, the Municipality would have the opportunity to fall back on the local By-law (even if for an interim basis). Council was provided with information regarding the Provincial legislation. There was a brief question and answer period.
- ii) Jean Reaney was in attendance to be presented with a Senior of the Year Award. The Mayor thanked Jean for her service to the community and presented the Provincial award, and a West Perth pin.

4. Adoption of Minutes

- i) Minutes of the dated May 23, 2006

Motion: 273-06

Moved by: Walter McKenzie

Seconded by: Larry Wight

THAT the Minutes of the May 23rd, 2006 Regular Council meeting be accepted as presented.

Carried

5. Business Arising from the Minutes

- i) Councillor Young noted that he was not aware of the Cemetery Board meeting noted in the minutes. This will be investigated as the Mayor noted that members were contacted by phone. Also, Councillor Young asked if a letter was sent regarding the condition of the bridge on Hwy 23; the Clerk confirmed a letter was sent to MTO.

- ii) There was discussion regarding motion 259-06, regarding the request for a draft by-law prohibiting transient trader sales in the arena. (*At this time a numbering error was noted with the minutes, the discussion reflects the “second” motion 259-06. The error to be corrected in the Minutes of record). The Clerk gave a verbal report for this issue, including information received from the Ministry of Municipal Affairs and Housing, and from Legal Counsel. It was noted that there is no legislative authority for the municipality to prohibit; only to govern, license and/or regulate such activities. The following motion refers to the second 259-06 in the minutes as circulated.

Motion: 274-06

Moved by: Gerry Kehl

Seconded by: Darryl Seigner

THAT motion 259-06 – to prepare a draft by-law to prohibit hawkers, peddlers and transient traders be rescinded, and that the Arena Manager use his discretion as in all events.

Carried

6. Planning

- i) Declaration – Z81-2006 Morris & Michelle Willows
- ii) Public Notice of Application for Approval of a Plan of Subdivision-West Mitchell Developments
- iii) Application for Zoning By-law Amendment – West Perth (Clayton St.)

Motion: 275-06

Moved by: Ruth Fiebig

Seconded by: Gordon Young

THAT the application for Zoning By-law amendment, Plan 339, Part of Park Lot 35, Mitchell Ward (Municipality of West Perth) be forwarded to Planning Advisory Committee.

Carried

- iv) Application for Zoning By-law Amendment – affecting Pt. Lot 30, Concession 8 (Logan Ward) – Henderson

Motion: 276-06

Moved by: Brock Sinnamon

Seconded by: Darryl Seigner

THAT the application for Zoning By-law amendment, Con 8 Pt Lot 30, Logan Ward (Henderson) be forwarded to Planning Advisory Committee.

Carried

- v) Application for Consent, Re: Block B, Plan 349, Part 1 Plan 44R-4318 (Boersma) – Mitchell Ward
- vi) Application for Consent, Re: Con 3, Lots 26, Pt 27 and 28 (Tschudi) – Fullarton Ward

Motion: 277-06

Moved by: Don Jones

Seconded by: Gordon Young

THAT the Consent applications for:

1. Application for Consent, Re: Block B, Plan 349, Part 1 Plan 44R-4318 (Boersma) – Mitchell Ward
2. Application for Consent, Re: Con3, Lots 26, Pt 27 and 28 (Tschudi) – Fullarton Ward

Be forwarded to Planning Advisory.

Carried

Motion: 278-06

Moved by: Larry Wight

Seconded by: Ross McIntosh

THAT Planning correspondence not specifically dealt with be noted and filed.

Carried

7. Drains

8. Correspondence

i) **AMO**

- MTO proposing pilot project for electric vehicles
- Invitation to CAP's Smog Summit
- AMO report on Brownfields Redevelopment now online
- 2 New municipal transit practices published
- AMO Supports McGuinty's fiscal imbalance efforts

Motion:

Moved by: Ruth Fiebig

Seconded by: Don Jones

WHEREAS Ontario's communities are proud of the contribution that Ontarians make to other parts of Canada; and

WHEREAS Ontarians believe that Ontario must be treated fairly by the federal government; and

WHEREAS the Government of Ontario is calling on the federal government to address the vertical fiscal imbalance that would see Ontario treated in an equal manner and therefore all provinces and territories receive federal transfers on a per capita basis and a fair share of funding for programs such as infrastructure, training and EI; and

WHEREAS the Government of Ontario is calling on the federal government to refrain from increasing equalization, recognizing the current \$11.5 billion equalization program (funded 43% by Ontario tax payers) is sufficient to fulfill its purpose of ensuring that people in all provinces and territories have access to comparable public services at comparable levels of taxation; and

WHEREAS the Government of Ontario is also calling for a through, principled review of fiscal arrangements through a National Public Commission that would include municipal governments; and

WHEREAS the Government of Ontario has recognized that municipal governments do not have access to revenues and resources equal to their responsibilities; and

WHEREAS addressing the federal/provincial fiscal imbalance will allow the Government of Ontario to continue to address the provincial/municipal fiscal imbalance which currently undermines the sustainability of Ontario's communities; and

WHEREAS equitable fiscal arrangements will help build strong communities, a stronger Ontario and a stronger Canada;

THEREFORE BE IT RESOLVED THAT the Municipality of West Perth supports the Government of Ontario's position and its efforts to address the federal/provincial fiscal imbalance fairly, equitably, without increasing the federal equalization program (and including the creation of a tri-lateral national public commission on fiscal arrangements); and

FURTHER BE IT RESOLVED THAT Gary Schellenberger MP, the Right Honourable Stephen Harper, Prime Minister of Canada, the Honourable Dalton McGuinty, Premier of Ontario, the Honourable Jim Flaherty, Federal Minister of Finance, the Honourable John Gerretsen, Ontario Minister of Municipal Affairs and Housing, the Honourable Marie Bountrogianni, Ontario Minister of Intergovernmental Affairs, and the Association of Municipalities of Ontario be advised that this Council supports Ontario's position on the fiscal imbalance.

Motion defeated

- MOE Improves Drinking Water Regulation

ii) **Province of Ontario**

- 2006 Senior Achievement Award Program – nomination
- Affordable Housing project kicks off renovation in Welland
- Three new Affordable Housing projects underway in Peterborough
- Official Opening of the Bridges project
- Minister Responsible for Seniors – Senior's Month

iii) **Endorsement** requests

- a) York Region – re: Family Physician Shortage

Motion: 279-06

Moved by: Walter McKenzie

Seconded by: Don Jones

THAT the Council of the Municipality of West Perth hereby endorses the May 25, 2006 resolution of the Regional Municipality of York, regarding the need for new and more repatriation programs, eliminate all return of service requirements for Canadian-trained physicians, prevent delays for physicians wishing to set up practice in Ontario, remove the barriers to restricted licensure for Ontario medical residents in training, and also develop appropriate retention measures.

Carried

- b) Greater Napanee – request to support position re: the use of the Richmond or Napanee Landfill not willing to take garbage from across the Province.

Motion: 280-06

Moved by: Ruth Fiebig

Seconded by: Gordon Young

THAT the Council of the Municipality of West Perth endorses the position of the Town of Greater Napanee, that no municipality should be required to take garbage from across the Province if they are not a ‘willing host’ to such a proposal.

Carried

- c) Town of Greater Napanee – MPAC Resolution

Motion: 281-06

Moved by: Don Jones

Seconded by: Gerry Kehl

Be it hereby resolved that the Council of the Municipality of West Perth hereby endorses the resolution of the Town of Greater Napanee, dated May 23, 2006, regarding MPAC and the applicable Obudsman Report.

Carried

iv) **Miscellaneous**

- a) Source Water Protection – Planning

Motion: 282-06

Moved by: Gerry Kehl

Seconded by: Darryl Seigner

THAT the Municipality of West Perth reply to the Source Water Protection (ABCA and MVCA), requesting that Don Jones participate on the Planning Committee or Municipal Working group.

Carried

- b) 2006 Clean Water Program (CWP) status
c) AMO and AMRC proposal for a Provincial Household Hazardous Waste and Special Waste strategy. It was noted that there is some preliminary discussion with other municipalities in Perth, regarding hosting a household hazardous waste collection day.
d) Toronto Parks, Forestry & Recreation – invitation to a Great Lakes Beaches Symposium.
e) Senator Mac Harb – re: Non-smokers’ Health Act
f) South Bruce – Invitation to attend meeting to discuss opportunities and strategies to obtain funding from upper tier governments for important projects in water and waste water
g) Town of New Tecumseth – Resolution re: Realty Tax Reform (Tax Inequity)
h) Ausable Bayfield Conservation Authority – ATV Public Meeting

Motion: 283-06

Moved by: Gerry Kehl

Seconded by: Ross McIntosh

THAT Larry Wight attend the ATV Public meeting in Dashwood, on June 13, 2006.

Carried

- i) North Perth Fire Service – Master Fire Plan Committee

Motion: 284-06

Moved by: Don Jones

Seconded by: Brock Sinnamon

THAT Gord Young be appointed to attend the Master Fire Plan Committee meetings in North Perth, on the Last Tuesday of each month.

Carried

- j) Maitland Valley Conservation Authority – invitation to BBQ

- k) Huron East – 150th Anniversary on July 7, 8, & 9th weekend

Motion: 285-06

Moved by: Ruth Fiebig

Seconded by: Darryl Seigner

THAT correspondence not specifically dealt with be noted and filed.

Carried

9. Presentation of Accounts dated May 19-June 8, 2006

Motion: 286-06

Moved by: Ruth Fiebig

Seconded by: Larry Wight

THAT the accounts totaling \$ 1,396,749.24 be approved for payment.

Carried

10. Standing Committee Reports

11. Committee Reports

12. By-laws

Motion: 287-06

Moved by: Ruth Fiebig

Seconded by: Don Jones

THAT the Mover and Seconder be authorized to introduce the following by-laws to be considered read a first and second time:

- i) By-law 27-2006 being a By-law to authorize the signing of an Agreement between the Corporation of the Municipality of Huron East and the Municipality of West Perth to provide reciprocal joint building official inspection and enforcement in cases of emergency.
- ii) By-law 28-2006 being a By-law to authorize the signing of an Agreement between the Municipality of the Township of Perth South and the Municipality of West Perth to provide reciprocal joint building official inspection and enforcement in cases of emergency.
- iii) By-law 29-2006 being a By-law to authorize the signing of an Agreement between the Corporation of the Municipality of North Perth and the Corporation of the Municipality of West Perth to provide reciprocal joint building official inspection and enforcement in cases of emergency.
- iv) By-law 30-2006 to provide for the Maintenance of the Mahaffy Municipal Drain.
- v) By-law 31-2006 to provide for the Maintenance of the Twelfth Concession Municipal Drain.
- vi) By-law 32-2006 being a Rating By-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act.
- vii) By-law 33-2006 being a By-law to provide for the Preliminary Acceptance of Servicing (Stage 2) for Part Lot 18, Concession 1, Part of Park Lot 1 and Part of Park Lot 16, Registered Plan No. 339 (Golf Course) (Mitchell).
- viii) By-law 34-2006, being a by-law to provide for the maintenance of the Mielke Drain

Carried

Motion: 288-06

Moved by: Don Jones
Seconded by: Gerry Kehl
THAT By-law 27-2006 being a By-law to authorize the signing of an Agreement between the Corporation of the Municipality of Huron East and the Municipality of West Perth to provide reciprocal joint building official inspection and enforcement in cases of emergency be read a third time and finally passed and that the Mayor and the Clerk be and are hereby authorized to sign same and attach the Corporate Seal
Carried

Motion: 289-06

Moved by: Ross McIntosh
Seconded by: Larry Wight
THAT By-law 28-2006 being a By-law to authorize the signing of an Agreement between the Municipality of the Township of Perth South and the Municipality of West Perth to provide reciprocal joint building official inspection and enforcement in cases of emergency be read a third time and finally passed and that the Mayor and the Clerk be and are hereby authorized to sign same and attach the Corporate Seal.
Carried

Motion: 290-06

Moved by: Gordon Young
Seconded by: Darryl Seigner
THAT By-law 29-2006 being a By-law to authorize the signing of an Agreement between the Corporation of the Municipality of North Perth and the Corporation of the Municipality of West Perth to provide reciprocal joint building official inspection and enforcement in cases of emergency be read a third time and finally passed and that the Mayor and the Clerk be and are hereby authorized to sign same and attach the Corporate Seal.
Carried

Motion: 291-06

Moved by: Brock Sinnamon
Seconded by: Gordon Young
THAT By-law 30-2006 to provide for the Maintenance of the Mahaffy Municipal Drain be read a third time and finally passed and that the Mayor and the Clerk be and are hereby authorized to sign same and attach the Corporate Seal.
Carried

Motion: 292-06

Moved by: Ross McIntosh
Seconded by: Brock Sinnamon
THAT By-law 31-2006 to provide for the Maintenance of the Twelfth Concession Municipal Drain be read a third time and finally passed and that the Mayor and the Clerk be and are hereby authorized to sign same and attach the Corporate Seal.
Carried

Motion: 293-06

Moved by: Walter McKenzie
Seconded by: Don Jones
THAT By-law 32-2006 being a Rating By-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act be read a third time and finally passed and that the Mayor and the Clerk be and are hereby authorized to sign same and attach the Corporate Seal.
Carried

Motion: 294-06

Moved by: Ruth Fiebig
Seconded by: Darryl Seigner
THAT By-law 33-2006 being a By-law to provide for the Preliminary Acceptance of Servicing (Stage 2) for Part Lot 18, Concession 1, Part of

Park Lot 1 and Part of Park Lot 16, Registered Plan No. 339 (Golf Course) (Mitchell) be read a third time and finally passed and that the Mayor and the Clerk be and are hereby authorized to sign same and attach the Corporate Seal.

Carried

Motion: 295-06

Moved by: Brock Sinnamon

Seconded by: Ross McIntosh

THAT By-law 34-2006, being a by-law to provide for the maintenance of the Mielke Drain be read a third time and finally passed and that the Mayor and the Clerk be and are hereby authorized to sign same and attach the Corporate Seal.

Carried

13. Unfinished Business

- i) A summary of prices submitted for security systems (municipal administration building) were circulated to Council. The matter will be further discussed at the next Committee meeting.
- ii) There was notation regarding a request that had been received from Crimestoppers Huron-Perth, for office space. It was noted that the office had since received free space in Seaforth.
- iii) Follow up re: damage repair – James Mabb The Clerk gave a verbal report noting the policy of neighbouring municipalities and the advice of legal counsel.

Motion: 296-06

Moved by: Walter McKenzie

Seconded by: Gerry Kehl

THAT West Perth accepts no liability regarding the letter and claim of James Mabb, and therefore denies the claim.

Carried

- iv) Smoking By-law – Council discussed the presentation made earlier in the meeting.

Motion: 297-06

Moved by: Gerry Kehl

Seconded by: Ruth Fiebig

THAT the West Perth Smoking By-law remain in force.

Carried

14. New Business

- i) Ministry of Transportation – Access to Pt. Lot 16, Con.10, Logan Twp., King's Highway #23 – 1111971 Ontario Ltd., Ontario Greenways, there was additional discussion regarding this matter.

Motion: 298-06

Moved by: Gerry Kehl

Seconded by: Darryl Seigner

THAT a meeting be set up with John Wilkinson to discuss highway access at Con. 10, Pt Lot 16 (Highway #23).

Carried

- ii) Avon Maitland District School Board – Capital Plan/Enrolment Projects report. There was brief discussion regarding the report.
- iii) Steven Anderson – hooking into municipality water and sewage Con. 2 Pt. Lot 14 as RP44R1161, Part 2, 187 Francis St.

Motion: 299-06

Moved by: Ruth Fiebig

Seconded by: Don Jones

THAT the request of Steve Anderson be forwarded to Water Committee.

Carried

- iv) National Recreation and Sport Infrastructure Program (Karen's Report)

Motion: 300-06

Moved by: Brock Sinnamon

Seconded by: Gerry Kehl

Be it hereby resolved that the Municipality of West Perth supports the resolution of the National Recreation and Sport Infrastructure Program initiative, with the addition of municipal libraries as well.

Carried

- v) There was brief question regarding the former Township of Logan sign (from the office). It was noted that a request to remove it had been approved by Council.
- vi) Councillor McKenzie questioned when the Committee structure would be reviewed; the Clerk noted that the matter was included in her report for the June 19 Committee meeting.
- vii) Councillor Kehl raised two issues regarding economic development for the municipality. First was concern regarding the "speed trap" at the west end of the Mitchell Ward. He noted his understanding of the explanation previously provided, however suggested that better signage would help to alleviate a negative image that could be created with a speeding ticket. It was requested that there be further investigation into the feasibility of this. Secondly, he noted his concern that there was not population statistics included on the Mitchell ward signage. It was suggested that the 'advertising' of this statistic for Mitchell would inform potential business people of the market available here. This too is to be investigated.
- viii) Councillor Fiebig noted concern as to the lack of participation by the Municipality with respect to decorating for the forthcoming 50th Highschool Reunion. It was noted at this time that a ½ page ad had been purchased by the Municipality for the special reunion edition magazine (Mitchell Advocate).

Motion: 301-06

Moved by: Ruth Fiebig

Seconded by: Don Jones

THAT we purchase 30 bows for uptown and have them installed.

Carried.

- ix) Councillor McIntosh reminded Council about the upcoming Fullarton Pork chop barbecue, and that it would be at the Mitchell arena this year. Tickets are still available.
- x) Councillors Kehl and Jones noted that the new sculpture had been installed at the wetlands.

15. Questions from the Press

16. Closed Session

17. Adjournment

Motion: 302-06

Moved by: Ross McIntosh

Seconded by: Gerry Kehl

THAT we do now adjourn – time 9:15 pm.

Carried