



Municipality of West Elgin

Minutes

Council Meeting

March 11, 2021, 9:00 a.m.

Electronic Participation Meeting via Zoom

Present:
Mayor D. McPhail
Deputy Mayor R. Leatham
Councillor T. Tellier
Councillor A. Cammaert
Councillor B. Rowe

Staff Present:
M. Badura, CAO/ Treasurer
J. Nethercott, Clerk
L. Gosnell, Manager of Operations & Community Services
J. Morgan-Beunen, Chief Building Official
T. Mohan, Drainage Superintendent
H. James, Planner
B. Pearce, Planner

Also Present:
Nancy Pasato, Manager of Planning, Elgin County
Sam Smith, OCWA
Susan Budden, OCWA

Due to the COVID-19 Pandemic and physical distancing requirements this meeting was held electronically.

1. Call to Order

Mayor Duncan McPhail called the meeting to order at 9:03 a.m.

2. Adoption of Agenda

Resolution No. 2021- 58

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That West Elgin Council hereby adopts the Agenda as presented.

Carried

3. Closed Session

Resolution No. 2021- 59

Moved: Councillor Rowe

Seconded: Councillor Tellier

That the Council of the Municipality of West Elgin Council hereby proceeds into Closed Session at 9:04 a.m. under Section 239 (2)(b, f & i) of the *Municipal Act, 2001* consideration will be given to personal matters about identifiable individual(s), including municipal or local board employee(s), advice that is subject to solicitor-client privilege, including communications necessary for that purpose and a trade secret or technical information supplied in confidence to the municipality, which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization.

Carried

4. Report from Closed Session

Mayor McPhail reported out at 9:04 a.m.

Resolution No. 2021- 60

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That West Elgin Council hereby reports that direction was provided to staff regarding an identifiable individual and items subject to solicitor-client privilege; and

That an IT Audit was received for information purposes.

Carried

5. Disclosure of Pecuniary Interest

Councillor Cammaert declared interest in Correspondence item number 12.8.

6. Delegations - Not to be heard before 11:00 a.m.

6.1 N. Pasato, Manager of Planning, Elgin County

Ms. Pasato presented a power point presentation on the Elgin County Official Plan Process.

7. Adoption of Minutes

Resolution No. 2021- 61

Moved: Councillor Rowe

Seconded: Councillor Tellier

That the Minutes of the Council meeting on February 25, 2021 be adopted as circulated and printed.

Carried

8. Business Arising from Minutes

None.

9. Staff Reports

9.1 Water

9.1.1 S. Smith, OCWA - Annual Reports for West Elgin Distribution System

Resolution No. 2021- 62

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That West Elgin Council hereby receives the report from Sam Smith, OCWA re: 2020 Schedule 22 Summary Report for the West Elgin Distribution System; and

That West Elgin Council hereby receives the 2020 Annual Report for the West Elgin Distribution System as required under Section 11 of O'Reg 170/03

Carried

9.1.2 West Elgin Distribution System - 2020 Fourth Quarter Report

Resolution No. 2021- 63

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Sam Smith, OCWA re: West Elgin Distribution System 2020 Fourth Quarter Report for information purposes.

Carried

9.2 Wastewater

9.2.1 S. Smith, OCWA - West Lorne Wastewater Treatment Plant 2020 Fourth Quarter Report

Resolution No. 2021- 64

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Sam Smith, OCWA re: West Lorne Wastewater Treatment Plant 2020 Fourth Quarter Operations for information purposes.

Carried

9.2.2 S. Smith, OCWA - Rodney Wastewater Treatment Plant Fourth Quarter Operations Report

Resolution No. 2021- 65

Moved: Councillor Tellier

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Sam Smith, OCWA re: Rodney Wastewater Treatment Plant 2020 Fourth Quarter Operations for information purposes.

Carried

9.3 Building

9.3.1 J. Morgan-Beunen, CBO - Building Activity Report February 2021

Resolution No. 2021- 66

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That West Elgin Council hereby receives the report from Jackie Morgan-Beunen, CBO re: Building Permit Report for February 2021 for information purposes.

Carried

9.4 Fire

9.4.1 Jeff McArthur, Fire Chief - Monthly Report – February 2021

Resolution No. 2021- 67

Moved: Councillor Rowe

Seconded: Councillor Tellier

That West Elgin Council hereby receives the report from Jeff McArthur, Fire Chief re: February Monthly Fire Report for information purposes.

Carried

9.4.2 Jeff McArthur, Fire Chief - Incident Summary for 2020

Resolution No. 2021- 68

Moved: Deputy Mayor Leatham

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Jeff McArthur, Fire Chief for information purposes.

Carried

9.5 Municipal Drains

9.5.1 T. Mohan, Drainage Superintendent - Award Tender – Arvai Drain

Resolution No. 2021- 69

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Tom Mohan, Drainage Superintendent re:

Award Arvai Drain Tender; and

That West Elgin Council hereby awards the tender to the lowest bidder McNally Excavating Ltd. in the amount of \$34,200.00 plus applicable taxes.

Carried

9.6 Operations & Community Services

9.6.1 Lee Gosnell, Manager of Operations & Community Services - 2021 Dust Suppressant

Resolution No. 2021- 70

Moved: Deputy Mayor Leatham

Seconded: Councillor Cammaert

That West Elgin Council receives the report from Lee Gosnell, Manager of Operations & Community Services; and

That West Elgin Council hereby accepts the quote submitted by Eastern Oilfield Services Ltd. at a cost of \$79,875.00 plus applicable taxes for supply & application of dust suppressant included in the 2021 municipal budget.

Carried

9.6.2 Lee Gosnell, Manager of Operations & Community Services - February 2021 – Monthly Report

Resolution No. 2021- 71

Moved: Councillor Rowe

Seconded: Councillor Tellier

That West Elgin Council hereby receives the report from Lee Gosnell, Manager of Operations & Community Services for information purposes.

Carried

9.6.3 Lee Gosnell, Manager of Operations & Community Services - Spring Weight Restrictions

Resolution No. 2021- 72

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Lee Gosnell, Manager of Operations & Community Services re: Spring Weight Restrictions on Municipal roads; and

That West Elgin Council adopt a by-law to establish a reduced load restriction period on municipal roads in accordance with Section 122 of the Highway Traffic Act, as presented in the by-law portion of the agenda.

Carried

9.7 Planning

9.7.1 H. James & B. Pearce, Planners - Proposed Servicing Options for Development

Resolution No. 2021- 73

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Heather James and Bryan Pearce regarding the proposed servicing options for development; and,

That West Elgin Council hereby directs staff to circulate this report to developer/consultant contacts for further understanding of the servicing hierarchy.

Carried

**9.7.2 H. James & B. Pearce, Planners - Severance Report 22003
Queens Line**

Resolution No. 2021- 74

Moved: Councillor Tellier

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Heather James and Bryan Pearce regarding the severance application, File E 12/21 and E 13/21, 22003 Queens Line; and,

That West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 12/21, provided the following conditions are included:

- a. That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.76 hectares (6.5 acres), different from that contained in the Application and Notice.
- b. That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
 - iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality.

- v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.
- vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
- viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied
- x. That the conditions of Application E 13/21 be fulfilled, in conjunction with Application E 12/21.
- xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Carried

Resolution No. 2021- 75

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That West Elgin Council recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 13/21, provided the following:

- a. That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.64 hectares (6.2 acres), different from that contained in the Application and Notice.
- b. That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
 - iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality
 - v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.

- vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
- viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied
- x. That the conditions of Application E12/21 be fulfilled, in conjunction with Application E13/21.
- xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Carried

9.8 Clerk's

9.8.1 J. Nethercott, Clerk - Tourism Exemption to Retail Business Holidays Act – Rodney Market

Resolution No. 2021- 76

Moved: Councillor Tellier

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Tourism Exemption to the *Retail Business Holidays Act* from Rodney Market; and

That West Elgin Council hereby schedules a Public Meeting at 9:30 a.m. on March 25, 2021 in respect of a proposed by-law to exempt the Rodney Market from the Statutory Holiday Closures pursuant to the *Retail Business Holidays Act, R.S.O. 1990*.

Carried

9.9 Finance/Administration

9.9.1 M. Badura, CAO/Treasurer - 2020 Council Remuneration

Resolution No. 2021- 77

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from M. Badura, CAO/Treasurer re: 2020 Council Remuneration and Expenses report for information only.

Carried

9.9.2 M. Badura, CAO/Treasurer - 2020 Committee Remuneration

Resolution No. 2021- 78

Moved: Councillor Tellier

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from M. Badura, CAO/Treasurer re: 2020 Committee Member Remuneration, for information purposes.

Carried

10. Matters of Urgency

Lee Gosnell, Manager of Operations & Community Services stated that had received a request recently from Elgin County regarding the electric charging station installation as part of the Rodney Reconstruction Project and a possible location of where a station could be installed.

Council requested that staff report back on costs of installing the conduit for an electronic vehicle charging station as part of the Rodney Reconstruction Project at the corner of Moriah and Furnival.

11. Committee and Board Report

11.1 West Elgin Community Centre Board of Management

11.2 Housing Stability Coalition - Feb 23, 2021 Minutes

12. Accounts

Resolution No. 2021- 79

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That the Mayor and Treasurer are hereby authorized to sign Payment Voucher #3 amounting to \$294,295.63 in settlement of General, Road, Water and Arena Accounts including EFT#3654-3724, online Payments# 631-640, cheque# 25654-25669 and Payroll PP04.

Carried

13. Correspondence

13.1 Province of Ontario - Consultation on Municipal Codes of Conduct

13.2 Elgin County - 2021 Budget

13.3 City of Sarnia - Colour Code Capacity Limits

Resolution No. 2021- 80

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby supports the Resolution of Sarnia City Council from March 1, 2021; and

That West Elgin Council strongly advocate to the Province of Ontario that they adjust the capacity limits for dining restaurants, sporting and recreational facilities, places of worship, event centres and all retail/small businesses as part of the colour coded system;

Carried

13.4 Township of Brock - Cannabis Enforcement

Resolution No. 2021- 81

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby supports the resolution of the Township of Brock from February 22, 2021; and

That West Elgin Council requests Health Canada:

1. Require Federal Licenses and Registrations for Designated Growers to conform with local zoning and control by-laws;
2. Ensure local authorities area provided with notification of any license issuance, amendment, suspension, reinstatement or revocation within their region;
3. Provide dedicated communication with local governments and Police services;
4. Provide lawful authority to Police agencies to lay charges when registered or licensed operations grow in excess of their registration or license through Health Canada; and
5. Provide enforcement support and guidance to local municipalities for dealing with land use complaints relating to Cannabis.

Carried

13.5 Township of Adjala-Tosorontio - Tile Drain Installation Resolution

Resolution No. 2021- 82

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby supports the resolution of the Township of Adjala-Tosorontio from February 10, 2021; and

That West Elgin Council hereby requests the Ministry of Agriculture, Food and Rural Affairs amend the *Tile Drainage Installation Act* and/or regulations under the Act to require tile drainage contractors to file farm tile drainage installation maps/plans with the local municipality.

Carried

13.6 Ontario Fire Marshall - Fire College Update

13.7 Juce Connect - Request for Support

Resolution No. 2021- 83

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin direct the Mayor to issue a letter of Support for Juce Connect in relation to their application to the Universal Broadband Fund from the Government of Canada.

Carried

13.8 West Lorne Optimist - Request to Redirect Community Grant

Councillor Cammaert stated that she had a pecuniary interest as her business provides services to the Optimist Club and Councillor Cammaert left the meeting.

Resolution No. 2021- 84

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby agrees that \$500.00 of the Community Grant awarded to the West Lorne Optimist Club for the Road Race be redirected to be used as a donation instead of to pay costs of the Road Race.

Carried

14. By-Laws

14.1 By-Law 2021-16 ICIP Funding Agreement Rodney Sewage

Resolution No. 2021- 85

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That By-law 2021-16 being a by-law to authorize the execution of an agreement between Her Majesty the Queen in Right of Ontario and The Corporation of the Municipality of West Elgin for the Investing in Canada Infrastructure Program, Green Stream, be read a first, second and third and final time.

Carried

14.2 By-Law 2021-17 - Safe Restart Phase 2 Transit Funding Agreement

Resolution No. 2021- 86

Moved: Councillor Rowe

Seconded: Councillor Tellier

That By-law 2020-17 being a by-law to authorize the execution of the Transfer Payment Agreement for the Safe Restart Agreement Phase 2 Municipal Transit Funding between Her Majesty the Queen Right in Ontario represented by the Minister of Transportation and the Corporation of the Municipality of West Elgin, be read a first, second and third and final time.

Carried

14.3 By-Law 2021-18 - Reduced Load Restriction

Resolution No. 2021- 87

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That By-law 2021-18 being, a by-law to establish a reduced load restriction period on Municipal roads, be read a first, second and third and final time.

Carried

14.4 By-Law 2021-19 - Appoint CEMC and Alternates

Resolution No. 2021- 88

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That By-law 2021-19 being a by-law to appoint Community Emergency Management Coordinators (CEMC) for the Corporation of the Municipality of West Elgin, be read a first, second and third and final time.

Carried

15. Confirming By-Law

Resolution No. 2021- 89

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That By-law 2021-20 being a by-law to confirm the proceedings of the Regular Meeting of Council held on March 11, 2021, be read a first, second and third and final time.

Carried

16. Adjournment

Resolution No. 2021- 90

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That the Council of the Municipality of West Elgin hereby adjourn at 1:16 p.m. to meet again at 9:30 a.m. on March 25, 2021 or at the call of the Chair.

Carried

Duncan McPhail, Mayor

Jana Nethercott, Clerk