



Municipality of West Elgin

Minutes

Council Meeting

May 12, 2022, 9:30 a.m.

West Elgin Community Complex - Hybrid Meeting

160 Main Street

West Lorne

Electronic Hybrid Meeting

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
J. McArthur, Fire Chief
H. James, Planner
T. Mohan, Drainage Superintendent

Also Present:
J.M. Spriet, PEng.
S. Smith, OCWA
M. Campbell, Zelinka Priamo - Agent
L. Greenwood, Applicant

Due to the COVID-19 Pandemic and physical distancing requirements this meeting was held in a hybrid format.

1. Call to Order

Mayor Duncan McPhail called the meeting to order at 9:30 a.m.

2. Adoption of Agenda

Resolution No. 2022- 160

Moved: Councillor Rowe

Seconded: Councillor Tellier

That West Elgin Council hereby adopts the Agenda as presented.

Carried

3. Disclosure of Pecuniary Interest

No disclosures

4. Public Meeting Under the Drainage Act

Resolution No. 2022- 161

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That Council proceed into a Meeting to Consider the Engineers Report at 9:31 a.m. for the Flemming and Axford Municipal Drains under Section 42 of the *Drainage Act*.

Carried

4.1 J.M Spriet, PEng. - Flemming Drain Engineers Report

Engineer J. M Spriet presented the Engineers Report for the Flemming Drain.

4.2 Public Comments

No public comments were received.

4.3 Council Comments

No Council comments were received.

4.4 Recommendation - Flemming Drain

Resolution No. 2022- 162

Moved: Deputy Mayor Leatham

Seconded: Councillor Cammaert

That West Elgin Council receives the Engineers Report on the Flemming Municipal Drain as prepared by Mr J.M Spriet, PEng.; and

That West Elgin Council authorizes staff to initiate the tender process, if required, for the improvement of the Flemming Municipal Drain to be considered by Council following the Court of Revision; and

That West Elgin Council consider the provisional By-law as presented in the By-law portion of the agenda for a first and second reading.

Carried

4.5 J.M. Spriet, PEng. - Axford Drain Engineers Report

Engineer J.M Spriet presented the Engineers Report and explained this is to update the Assessment Schedules due to a number of land splits and the downloading of roads to the County.

4.6 Public Comments

No public comments received.

4.7 Council Comments

No public comments received.

4.8 Recommendation - Axford Drain

Resolution No. 2022- 163

Moved: Councillor Rowe

Seconded: Councillor Tellier

That West Elgin Council receives the Engineers Report on the Axford Municipal Drain as prepared by Mr J.M Spriet, PEng.; and

That West Elgin Council consider the provisional By-law as presented in the By-law portion of the agenda for a first and second reading.

Carried

4.9 Close of Public Meeting

Resolution No. 2022- 164

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby Closes the Public Meeting held pursuant to section 42 of the *Drainage Act* at 9:39 a.m. to reconvene in the Regular Meeting of Council.

Carried

8. Staff Reports

8.5 Municipal Drains

8.5.1 J. Nethercott, Clerk - Apportionment of Drainage Assessment for the Purcell Drain due to Severance of Land, Pursuant to Section 65 (2) of the Drainage Act, R.S.O. 1990

Resolution No. 2022- 166

Moved: Deputy Mayor Leatham

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Apportionment of Drainage Assessment for the Purcell Drain due to Severance of Land, Pursuant to Section 65 (2) of the *Drainage Act, R.S.O. 1990*; and

That West Elgin Council hereby approves the Apportionment of the Drainage Assessment Agreement for the Purcell Municipal Drain, as part of severance E68/21 as presented.

Carried

6. Adoption of Minutes

Resolution No. 2022- 165

Moved: Councillor Cammaert

Seconded: Councillor Tellier

That the Minutes of the Council meeting on April 28, 2022 be adopted as circulated and printed.

Carried

8. Staff Reports

8.8 Clerk's

8.8.1 J. Nethercott, Clerk - Proposed Accessible Pathway in Miller Park

Resolution No. 2022- 167

Moved: Councillor Tellier

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Proposed Accessible Pathway in Miller Park; and

That West Elgin Council hereby grants the West Lorne Optimist permission to install the proposed accessible paths as in Miller Park as presented.

Carried

8.8.2 J. Nethercott, Clerk - Fleming Cemetery Restoration Work

CAO/Treasurer reported that the Public Works staff will be doing the clean up and fencing and will use what budget and donation money that is available to do whatever work can be done.

Resolution No. 2022- 168

Moved: Deputy Mayor Leatham

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Fleming Cemetery Restoration for information purposes.

Carried

5. Public Meeting Under the Planning Act

Resolution No. 2022- 169

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That Council proceed into a Public Meeting at 10:00 a.m. pursuant to Section 34 of the *Planning Act* in order to hear an application to rezone property at the corner of Graham and Monroe Street in West Lorne.

Carried

5.1 Purpose of the Public Meeting

The purpose of the public meeting was read aloud by the Clerk.

5.2 H. James, Planner - Zoning By-law Amendment D14 05-2022 – Recommendation Report (Planning Report 2022-11)

West Elgin Council hereby received the Planning report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 05-2022 – Part of Lots 17 and 18, Concession 8 (being Parts 3, 6,7 and 9 on RP 11R-9329) Recommendation Report (Planning Report 2022-11).

Ms. James read an excerpt from a letter received after the submission of her report to Council. This letter was emailed directly to Council, once it was received by the Clerk.

5.3 Applicant Comments

Agent M. Campbell, Zelinka Priamo thanked staff for their assistance and stated that he and Mr. Lee Greenwood are here to answer any public or Council questions regarding this proposal.

5.4 Public Comments

Mr. Shaun Dowling, 172 Munroe St West Lorne - Mr. Dowling requested the entirety of his letter Dated May 10, 2022. The Clerk read aloud the remainder of the letter.

Mr. Dowling stated that he wished to reiterate that the wording "shall be discouraged" in the Municipality's Official Plan and in his opinion means this application must be refused as it doesn't meet the Official Plan. Mr. Dowling further stated he believes this is a great development in the right zone and this is not the right zone and is not a great fit, it should be in a purely commercial zone. Mr. Dowling is disappointed that there was no

mention of the residential homes in the area in the planning justification report and their location within the downtown core. He feels that finding a location outside of the downtown core would be better suited as if this moves forward it will devalue his property and affect his quality of life. The loss of angle parking along Munroe street will greatly affect the downtown businesses and the walkability of the downtown core, which he feels is what the Official Plan promotes.

The Applicants Representative, Matt Campbell stated that they are sensitive to the concerns of the neighbours and this application is subject to a further application and thru that process any mitigating measures can be identified such as fencing or landscaping that can be implemented to address to increase the compatibility and they are mindful of items such as headlights and this can be addressed by fencing. In terms of the objection with regards to the Official Plan, the Planning Justification Report it lays out the argument that this does conform to the Official Plan and we are satisfied it does conform. Mr. Campbell further stated that the issue with parking, thru research it has been discovered that the current parking is actually in part on private property and that there is ample public parking lot across Graham Road. There are a lot of examples Tim Horton's in similar locations, many of which become gathering places for the community, which is what we envision for West Lorne. This location has the opportunity to become a gathering place due to the transition into the downtown area.

Mr. Greenwood addressed the concerns and stated that many of Mr. Dowling's issues are site plan related and they are open to discussions with regards to the site plan process.

5.5 Council Comments

Deputy Mayor Leatham stated he has spoken to Mr. Dowling and then spoke to other residents and all were in favour except Mr. Dowling. Electric cars are coming and therefore the pollution won't be an issue shortly.

Councillor Cammaert stated that she has spoken to Mr. Dowling and local residents and businesses with similar comments as received by Deputy Mayor Leatham. Councillor Cammaert stated that knowing Tim Hortons has a mission statement about the cooperation and stewardship is mentioned in this and like the fact that you are interested in being a community gathering place thru the streetscape access.

Mayor McPhail inquired is it your plan to have electric car charging stations. Mr. Greenwood said the conduit infrastructure will in place and once Tim Horton's corporate finds a partner for the stations it will be plug and play. This wouldn't be in play right away but can be done in future. Mayor McPhail also stated that it will be important for the applicant and planner to be in communication with Mr. Dowling and other residents when developing the site plan.

5.6 Recommendation

Resolution No. 2022- 170

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That West Elgin Council approve the rezoning of Part of Lots 17 and 18, Concession 8 (being Parts 3, 6,7 and 9 on RP 11R-9329) from Open Space (OS) to Village Core Special Use Regulation 3 (C1-3) to permit a drive-in restaurant in addition to all other Village Core (C1) Permitted Uses, in accordance with the draft by-law contained within Appendix Three of this report; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the May 12, 2022 Council Agenda.

Carried

5.7 Close of Public Meeting

Resolution No. 2022- 171

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That West Elgin Council hereby adjourn the public meeting held pursuant to Section 34 of the Planning Act at 10:59 a.m. to reconvene in Regular Meeting of Council.

Carried

7. Business Arising from Minutes

None.

Council recessed at 10:59 a.m. and reconvened at 11:07 a.m.

8. Staff Reports

8.1 Water

8.1.1 S. Smith, OCWA - West Elgin Water Distribution System Q1 Report

Resolution No. 2022- 172

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the West Elgin Distribution System First Quarter Operations Report from Sam Smith, OCWA.

Carried

8.2 Wastewater

8.2.1 S. Smith, OCWA - West Lorne WWTP 2021 Annual Report

Resolution No. 2022- 173

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the 2021 Annual Report for the West Lorne Wastewater Treatment Plant from Sam Smith of OCWA.

Carried

8.2.2 S. Smith, OCWA - West Lorne WWTP Q1 Operations Report

Resolution No. 2022- 174

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the First Quarter Operations Report for the West Lorne Wastewater Treatment Plant from Sam Smith of OCWA.

Carried

8.2.3 S. Smith, OCWA - Rodney WWTP 2021 Annual Report

Resolution No. 2022- 175

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the 2021 Annual Report for the Rodney Wastewater Treatment Plant from Sam Smith of OCWA.

Carried

8.2.4 S. Smith, OCWA - Rodney WWTP Q1 Operations Report

Resolution No. 2022- 176

Moved: Councillor Tellier

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the First Quarter Operations Report for the Rodney Wastewater Treatment Plant from Sam Smith of OCWA.

Carried

8.3 Building

8.3.1 J. Morgan-Beunen, CBO - Building Activity Report April 2022

Resolution No. 2022- 177

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Jackie Morgan-Beunen, CBO re: Building Permit Report for April 2022 for information purposes.

Carried

8.4 Fire

8.4.1 J. McArthur, Fire Chief - Fire Dispatch Agreement

Resolution No. 2022- 178

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Jeff McArthur, Fire Chief re: Fire Dispatch Agreement; and

That West Elgin Council hereby authorize the Mayor and Clerk to sign the Tillsonburg Fire Agreement, as presented in the By-Law portion of the Agenda.

Carried

8.4.2 J. McArthur, Fire Chief - Incident Summary for 2021

Resolution No. 2022- 179

Moved: Councillor Rowe

Seconded: Councillor Tellier

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

Carried

8.4.3 J. McArthur, Fire Chief - Monthly Report – April 2022

Resolution No. 2022- 180

Moved: Deputy Mayor Leatham

Seconded: Councillor Cammaert

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

Carried

8.6 Planning

8.6.1 H. James, Planner - April Monthly Planning Report

Resolution No. 2022- 181

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Heather James, Planner regarding monthly planning report for information purposes.

Carried

8.6.2 H. James, Planner - Interim Control By-law to Prohibit New Large Scale Renewable Energy Facilities

Resolution No. 2022- 182

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Heather James, Planner regarding a proposed interim control by-law to prohibit new large scale renewable energy facilities in the Municipality of West Elgin for up to one year;

And that West Elgin Council approve the interim control by-law, in accordance with the draft by-law attached to this report; and

Further That West Elgin Council consider the by-law, as presented in the by-law portion of the May 12, 2022, Council Agenda.

Carried

8.6.3 H. James, Planner - Lighthouse Waterfronts Inc. Municipal Addressing

Resolution No. 2022- 183

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Heather James, Planner regarding the municipal addressing for Lighthouse Waterfronts Inc. for information purposes; and

That West Elgin Council hereby direct staff to address correspondence to the applicant stating that naming of road was premature and that use of Grey Line addresses are necessary; and

That West Elgin Council hereby direct staff to develop a Road Naming Policy.

Carried

8.7 Operations & Community Services

8.7.1 L. Gosnell, Manger of Operations & Community Services - Monthly Operations Report

Resolution No. 2022- 184

Moved: Councillor Tellier

Seconded: Councillor Cammaert

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

Carried

8.9 Finance/Administration

8.9.1 M. Badura, CAO/Treasurer & J. Nethercott, Clerk - Right to Disconnect Policy

Resolution No. 2022- 185

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk & Magda Badura, CAO/Treasurer re: Right to Disconnect Policy; and

That West Elgin Council hereby adopts the Right to Disconnect Policy as presented.

Carried

9. Approval of Waiver of Fees

9.1 Tai-Chi

Resolution No. 2022- 186

Moved: Councillor Rowe

Seconded: Councillor Tellier

That West Elgin Council hereby approve the reduction of rental fee by 50% for the Tai-Chi group for the rental of Miller Park Pavilion for a total of \$87.50 plus applicable taxes for the dates requested.

Carried

10. Committee and Board Report

10.1 Councillor Reports from Committees

Councillor Rowe reported that the Phragmites Control Centre and OCWA have met to discuss the plans for 2022 at Eagle Ponds. The spraying is set to begin in August with removal of the dead stock in the fall.

10.2 West Elgin Community Centre Board of Management

Resolution No. 2022- 187

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby approves the recommendation of the West Elgin Community Centre Board of Management that the public skating sponsorship rate be equal to the non-prime ice rental rate as set out in the West Elgin Fees and Charge By-law, regardless of the rental time.

Carried

11. Accounts

Resolution No. 2022- 188

Moved: Councillor Tellier

Seconded: Deputy Mayor Leatham

That the Mayor and Treasurer are hereby authorized to sign Payment Voucher #5 amounting to \$234,611.96 in settlement of General, Road, Water and Arena Accounts including EFT#5107-5154, online Payments# 910-917, cheque# 25920-25932 and Payroll PP09.

Carried

12. Correspondence

12.1 Ministry of Northern Development, Mines, Natural Resources and Forestry - Decision Notice for Proposed Regulation Changes under the Aggregate Resources Act

12.2 International Day Against Homophobia and Transphobia - May 17

Resolution No. 2022- 189

Moved: Councillor Tellier

Seconded: Councillor Cammaert

WHEREAS the Canadian Charter of Rights and Freedoms recognizes that no one can be discriminated against on the basis of sexual orientation or gender identity or expression;

WHEREAS Canadian is a society open to everyone, including lesbian, gay, bisexual and trans people (LGBTQ+) and to all other people who

identify with sexual diversity and the multiplicity of gender identities and expressions;

WHEREAS, despite recent efforts towards greater inclusion of LGBT people, homophobia and transphobia are still present in society.

WHEREAS May 17th is the International Day Against Homophobia and Transphobia, is celebrated as such in many countries and is the result of a Quebec-based initiative promoted by Fondation Émergence starting in 2003.

WHEREAS there is reason to support the efforts of Fondation Émergence in holding this day;

It is resolved to proclaim May 17 INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA and to recognize this day as such.

Carried

12.3 Kiwanis Club of Rodney - Request to Close Furnival Road

Resolution No. 2022- 190

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby approves the temporary closure of Furnival Road from Harper street to Victoria street in Rodney on Saturday November 19, 2022 between the hours of 2:00 p.m. and 10:00 p.m. for the purpose of the Rodney Night Market; and

That West Elgin Council hereby approves the temporary closure of Furnival Road from Harper Street to Victoria Street in Rodney on August 30, 2022 from 4:00 p.m. to 8:30 p.m. for the purposes of the final Tweekie Tuesday Event.

Carried

12.4 Middlesex County - Notice of Public Meeting

12.5 Township of South Bruce Peninsula - New Home Tax Rebate Program

12.6 Township of Arnprior - Support for Humanitarian Efforts in Ukraine

13. Council Inquires/Announcements

13.1 Notice of Motion

None.

13.2 Statements/Inquires by Councillors

None.

13.3 Matters of Urgency

None.

14. By-Laws

14.1 By-Law 2022-26 - Amend Fire Chief Agreement for Coordinator

Resolution No. 2022- 191

Moved: Councillor Tellier

Seconded: Deputy Mayor Leatham

That By-law 2022-26 Being a By -Law to approve an addendum to the Fire Chief Shared Services Agreement with the Township of Southwold to include the services of a Shared Fire Services Coordinator Position, be read a first, second and third and final time.

Carried

14.2 By-law 2022-27 - Provisionally Adopt Fleming Drain Report

Resolution No. 2022- 192

Moved: Councillor Rowe

Seconded: Councillor Tellier

That By-law 2022-27 being a By-Law to provide for the reconstruction of the Flemming Drain in the Municipality of West Elgin, be read a first and second time and be provisionally adopted.

Carried

14.3 By-law 2022-28 - Provisionally Adopt Axford Drain Report

Resolution No. 2022- 193

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That By-law 2022-28 being a By-Law to provide for the reconstruction of the Axford Drain Assessment Schedules in the Municipality of West Elgin, be read a first and second time and be provisionally adopted.

Carried

14.4 By-Law 2022-29 - Approve Fire Dispatch Agreement

Resolution No. 2022- 194

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That By-law 2022-29 being a by-law to authorize a Fire Dispatch Services Agreement with The Corporation of the Town of Tillsonburg, be read a first, second and third and final time.

Carried

14.5 By-Law 2022-30 - Interim Control By-Law

Resolution No. 2022- 195

Moved: Councillor Rowe

Seconded: Councillor Tellier

That By-Law 2022-30 Being a By-Law to Establish an Area of Interim Control pursuant to Section 38 of the Planning Act, be read a first, second and third and final time.

Carried

14.6 By-Law 2022-31 - Right to Disconnect Policy

Resolution No. 2022- 196

Moved: Councillor Tellier

Seconded: Councillor Rowe

That By-Law 2022-31 Being a By-Law to adopt the Policy HR-4.8 - Right to Disconnect Policy, be read a first, second and third and final time.

Carried

14.7 By-Law 2022-32 - ReZone Northwest Corner of Graham and Monroe Street

Resolution No. 2022- 197

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That By-law 2022-32 Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as Part of Lots 17 and 18, Concession 8 (being Parts 3, 6,7 and 9 on RP 11R-9329), be read a first, second and third and final time.

Carried

15. Closed Session

Resolution No. 2022- 198

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That the Council of the Municipality of West Elgin Council hereby proceeds into Closed Session at 12:53 p.m. under Section 239 2(b & f) to consider matters pertaining to personal matters about an identifiable individual, including a municipal or local board employee and advice that is subject to solicitor-client privilege.

Carried

16. Report from Closed Session

Mayor McPhail reported out at 1:50 p.m.

Resolution No. 2022- 199

Moved: Councillor Tellier

Seconded: Councillor Rowe

That West Elgin Council provided direction to staff and the Municipal Solicitor regarding personal matters about an identifiable individual, including a municipal or local board employee and advice that is subject to solicitor-client privilege.

Carried

17. Confirming By-Law

Resolution No. 2022- 200

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That By-law 2022-33 being a By-law to confirm the proceeding of the Regular Meeting of Council held on May 12, 2022, be read a first, second and third and final time.

Carried

18. Adjournment

Resolution No. 2022- 201

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That the Council of the Municipality of West Elgin hereby adjourn at 1:50 p.m. to meet again at 9:30 a.m. on May 26, 2022 or at the call of the Chair.

Carried

Duncan McPhail, Mayor

Jana Nethercott, Clerk