



Municipality of West Elgin

Minutes

Council Meeting

May 26, 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
H. James, Planner

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 9:33 a.m.

2. Adoption of Agenda

Resolution No. 2022- 202

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That West Elgin Council hereby adopts the Agenda as presented.

Carried

3. Disclosure of Pecuniary Interest

No disclosures

4. Public Meeting - 196 Ridge Street

Resolution No. 2022- 203

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby proceed into a Public Meeting at 9:34 a.m. pursuant to Section 34 of the Planning Act in order to hear an application to rezone property at 196 Ridge Street, West Lorne.

Carried

4.1 Purpose of the Public Meeting

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

4.2 Planner Report

4.2.1 Zoning By-law Amendment Application D14 07-2022 – Recommendation Report

Council received the report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 07-2022 – Part of Lot 64, Plan 199, 196 Ridge Street Recommendation Report (Planning Report 2022-16).

4.3 Applicant Comments

Chris Langley, representative for Applicant provided an overview of the proposed development of 1 story townhomes that are two (2) bedrooms and two (2) bathrooms with garages and front porches, to keep consistent with area homes.

Louis Arvai, Applicant stated that he has been contacted by many area residents who are interested in the rentals of these units

4.4 Public Comments

Amy Tepper, 169 Elm Street West Lorne inquired about the design of the proposed buildings and would like to see what they look like and who would be responsible for maintaining the property.

Planner Heather James directed Ms. Tepper to the website where a concept drawing is available and the Clerk showed it on the screen of the meeting. Mr. Arvai stated that he would be responsible for the maintenance of the property.

Dave Newton inquired through the Zoom Chat function and read aloud by the Clerk: They did say about planting trees. May I ask them to plant fruit trees as they are useful. Kids can pick fruits on the way to school (a lot kids do not get breakfast in this town). May be small but if we lose a beautiful grassy area at least give back a tiny bit.

4.5 Council Comments

Deputy Mayor Leatham stated that these townhomes are much needed in the area.

Councillor Cammaert stated that many residents are eagerly awaiting these townhomes.

Councillor Rowe inquired if these are for families and seniors? Mr. Arvai clarified these will be rental units for 55 years or older.

Mayor McPhail inquired about the time frame for construction. Mr. Arvai stated they can roll at any time.

4.6 Staff Recommendation

Resolution No. 2022- 204

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That West Elgin Council approve the rezoning of Part of Lot 64, Plan 199, 196 Ridge Street from Residential First Density Holding 1 (R1-H-1) to Residential Third Density Special Use Regulation 2 (R3-2) to permit a proposed four (4) building, twenty-two (22) unit townhouse development with reduced zoning regulations, 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 26, 2022, Council Agenda.

Carried

4.7 Close of Public Meeting

Resolution No. 2022- 205

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby adjourn the public meeting held pursuant to Section 34 of the Planning Act at 9:59 a.m. to reconvene in Regular Meeting of Council.

Carried

5. Public Meeting - Thomson Line

Resolution No. 2022- 206

Moved: Councillor Rowe

Seconded: Councillor Tellier

That West Elgin Council hereby 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 on the North side of Thomson Line, s Part of Lot 6, Concession 10.

Carried

5.1 Purpose of the Public Meeting

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

5.2 Planners Report

5.2.1 H. James Zoning By-law Amendment Application D14 08-2022 – Recommendation Report

Planner Heather James, read her report and provided information that stated the application is not consistent with the Provincial Policy Statement, Elgin County Official Plan nor the West Elgin Official Plan.

Resolution No. 2022- 207
Moved: Councillor Tellier
Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Heather James, Planner regarding Zoning By-law Amendment Application D14 08-2022 – Part of Lot 6, Concession 10 Recommendation Report (Planning Report 2022-17);

Carried

5.3 Applicant Comments

Mike Miller, applicant stated that he and his family would like to build their home on this parcel as it is the central location for their farming operation and he would be closer to his barns. He feels that being closer to his barns is important for Agriculture to be able to build close to grain elevators and barns. Building on this spot lessens the set back requirements for other properties and this is the poorest ground for crop production.

5.4 Public Comments

Clerk read aloud a written email submitted by Randy Reiss, Graham Road. Mr. Reiss also spoke to this matter and stated that while he was outside of the circulation for this notice, he was shocked when he read the agenda package as this request is outside of the Provincial Policy Statement, Elgin County Official Plan and West Elgin Official Plan, did the applicant even speak to the Planner? Heather James, Planner stated that there was a Pre-Consultation with Mr. Miller and he was made aware that she would be recommending refusal. Mr. Reiss further stated that he is concerned that this could set a precedent as he has already heard from others that will file an application if this is allowed.

Mr. Miller stated that he does not believe this will cause an avalanche of applications and allowing this application will be beneficial to his operation.

5.5 Council Comments

Councillor Cammaert inquired if Council approves this application can the Planner defend this should it be appealed? Planner stated that she would not be able to be the expert witness for the Municipality and West Elgin would need to find a Planner to refute her recommendation. Councillor Cammaert stated that Mr. Miller can use another A1 zoned property and

would prevent creating a precedent that could become expensive for the Municipality.

Deputy Mayor Leatham inquired if this would set a precedence ? Planner Heather James stated that it is a site specific application and this is an unusual application.

Councillor Tellier stated that she understands Mr. Miller's reasons, but the wording in the Official Plans and Policy Statement is "must".

Mr. Miller stated that you are protecting farmland as this lot is more suitable for building and this is a special circumstance.

5.6 Staff Recommendation

Resolution No. 2022- 208

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council refuse the rezoning of Part of Lot 6, Concession 10.

Carried

5.7 Close of Public Meeting

Resolution No. 2022- 209

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby adjourn the public meeting held pursuant to Section 34 of the Planning Act at 10:37 a.m. to reconvene in Regular Meeting of Council.

Carried

Council recessed at 10:38 a.m. and reconvened at 10:46 a.m.

6. Public Meeting - Southwest Corner of Graham and Jane Streets

Resolution No. 2022- 210

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby proceed into a Public Meeting at 10:47 a.m. pursuant to Section 34 of the Planning Act in order to hear an application to rezone property at Southwest Corner of Graham and Jane Streets, West Lorne.

Carried

6.1 Purpose of the Public Meeting

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

6.2 Planners Report

6.2.1 H. James, Planner - Zoning By-law Amendment Application D14 09-2022 – Recommendation Report

Resolution No. 2022- 211

Moved: Councillor Tellier

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 09-2022 – Part of Lot 18, Concession 8 (being Part 7 on 11R-9329) Recommendation Report (Planning Report 2022-18);

Carried

6.3 Public Comments

Mr. Dave Newton inquired about the grass cutting that the Municipality did for a number of years on this parcel, will this be reimbursed? Mr. Newton stated that this rezoning is removing a green space in the Municipality and wants a public process on the look of the development before rezoning. Planner Heather James stated that should Council wish a public site plan process could be applied through the use of a specific holding provision, which would allow the sale of the lands, but still allow for public input on the design concepts and site plan.

Mr. Jerry Talbot inquired about the Heavy Truck and School Buses that use this street? There will be a lot more traffic if a development is done on here. Mr. Talbot stated he too wants a public site plan process.

Randy Reiss stated that he applauds the new owners for this plan as this housing is needed and this is not a park and has never been.

6.3.1 Stewart Correspondence

Planner Heather James read aloud the letter from Mr. & Mrs. Stewart at 251 Graham Street.

Lee Gosnell, Manager of Operations & Community Services stated that staff did some research into the comments in this letter about "McKishnie Park". Mr. Gosnell contact members of the West Lorne Horticultural Society and was informed that Dr. McKishnie was aware when he began planting trees that this was railway property and tried unsuccessfully to get permission to create a park. Dr. McKishnie undertook this work to beautify the downtown area of West Lorne and the Horticultural Society continued with that effort in his memory, even though they were aware this was private property.

6.4 Applicant Comments

Tracey Pillon-Abbs, representative for the applicant stated that at this time there is no site plan as this rezoning is part of the purchase and sale agreement with Sherway Developments. Sherway Developments would stick to the R3 zoning requirements for this property.

6.5 Council Comments

Councillor Tellier stated that West Elgin is in desperate need of rental housing and thank you.

6.6 Staff Recommendation

Resolution No. 2022- 212

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council approve the rezoning of Part of Lot 18, Concession 8 (being Part 7 on 11R-9329 from Open Space (OS) to Residential Third Density (R3-H-8) to permit a future residential townhouse development with a holding provision H-8 to require a public site plan process, in accordance with an amended draft by-law; and

Further That West Elgin Council consider the amended by-law to amend the Zoning By-law, as presented in the by-law portion of the May 26, 2022, Council Agenda.

Carried

6.7 Close of the Public Meeting

Resolution No. 2022- 213

Moved: Councillor Rowe

Seconded: Councillor Tellier

That West Elgin Council hereby adjourn the public meeting held pursuant to Section 34 of the Planning Act at 11:46 a.m. to reconvene in Regular Meeting of Council.

Carried

7. Adoption of Minutes

Resolution No. 2022- 214

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That the Minutes of the Council meeting on May 12, 2022 be adopted as circulated and printed.

Carried

8. Business Arising from Minutes

None.

9. Staff Reports

9.1 Operations & Community Services

**9.1.1 L. Gosnell, Manger of Operations & Community Services -
Blacks Road Bridge Rehabilitation & Culvert No. 6
Replacement**

Resolution No. 2022- 215

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Lee Gosnell, Manager of Operations & Community Services re: Blacks Road Bridge Rehabilitation & Culvert No. 6 Replacement; and

That West Elgin Council hereby awards the Blacks Road Bridge Rehabilitation Contract to Theo Vandenberg Construction Inc. at a cost of \$446,190.00 plus applicable taxes; and

That West Elgin Council hereby awards the Culvert No. 6 Replacement Contract to Theo Vandenberg Construction Inc. at a cost of \$400,238.00 plus applicable taxes; and

That West Elgin Council hereby authorize the Mayor and Clerk to execute all necessary contracts and documents for the Blacks Road Bridge Rehabilitation and Culvert No. 6 Replacement.

Carried

9.1.2 L. Gosnell, Manager of Operations & Community Services - Telecommunications Equipment Consent and Road User Agreement Template

Resolution No. 2022- 216

Moved: Councillor Rowe

Seconded: Councillor Tellier

That West Elgin Council hereby receives the report from Lee Gosnell, Manager of Operations & Community Services re: Telecommunications Equipment Consent and Road User Agreement Template; and

That West Elgin Council hereby approves the Telecommunications Equipment Consent and Road User Agreement substantially in the form of the agreement attached to this report; and

That West Elgin Council hereby authorize the Mayor and Clerk to execute the user agreement to the satisfaction of the Manager of Operations & Community Services.

Carried

9.2 Clerk's

9.2.1 J. Nethercott, Clerk - 2022 Municipal Election – Establishment of Joint Compliance Audit Committee

Resolution No. 2022- 217

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: 2022 Municipal Election – Establishment of Joint Compliance Audit Committee for information purposes; and

That West Elgin Council consider the by-law to establishing an Election Joint Compliance Audit Committee for the 2022 Municipal Election in accordance with the *Municipal Elections Act, 1996* as amended, in the By-law portion of the agenda.

Carried

9.2.2 J. Nethercott, Clerk - Land Transfer Clarification

Resolution No. 2022- 218

Moved: Deputy Mayor Leatham

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Land Transfer Clarification; and

That West Elgin Council hereby approve proceeding under By-Law 2019-14 with the disposition of lands declared surplus under Council Resolution 2019-09, being lands legally described as Part of Lot 64, Plan 199 Parts 2 and 3 on RT 11R-9125; and

That West Elgin Council hereby approves the method of disposal as Single Source Sale to Arvai Developments Inc., with no appraisal needed as per Sections 5(b) of By-Law 2019-14.

Carried

9.3 Finance/Administration

9.3.1 M. Badura, CAO/Treasurer - Port Glasgow Yacht Club Marina Ring Road Paving

Resolution No. 2022- 219

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Magda Badura, CAO/Treasurer re: Port Glasgow Yacht Club Ring Road Paving; and

That West Elgin Council hereby grants approval for the Port Glasgow Yacht Club to place asphalt surface on the municipally owned portion of the Marina Ring Road; and

That West Elgin Council hereby grant approval for the Port Glasgow Yacht Club to borrow up to \$130,000 from the Breakwater Extension Reserve Fund and enter into an agreement with the Municipality for a repayment schedule over a five (5) year term; and

That Staff be directed to update Operating Agreement with the Port Glasgow Yacht Club.

Carried

10. Committee and Board Report

10.1 Councillor Reports from Committees

Councillor Rowe stated that the Four Counties Transportation Committee met on May 16 and came to a decision on the specifications for a new Bus purchase.

Councillor Cammaert stated the Canada Day planning is underway for an in person event this year.

10.2 Recreation Committee Minutes - April 20, 2022

10.3 West Elgin Community Centre Board of Management

Resolution No. 2022- 220
Moved: Deputy Mayor Leatham
Seconded: Councillor Rowe

That West Elgin Council hereby confirms Terry Weed as the West Lorne Minor Hockey Representative to the West Elgin Community Centre Board of Management.

Carried

11. Accounts

Resolution No. 2022- 221
Moved: Councillor Tellier
Seconded: Councillor Cammaert

THAT the Mayor and Treasurer are hereby authorized to sign Payment Voucher #5A amounting to \$728,416.38 in settlement of General, Road, Water and Arena Accounts including EFT#5155-5242, online Payments# 918-924, cheque# 25933-25934 and Payroll PP10.

Carried

12. Correspondence

12.1 Elgin County Council Highlights - May 10, 2022

12.2 Ministry of Solicitor General - Conclusion of COVID-19 Enforcement Support Line

12.3 Community Schools Alliance - Three Point Action Plan in Support of Rural and Northern Education Background Information

Resolution No. 2022- 222
Moved: Councillor Rowe
Seconded: Councillor Tellier

Whereas all students should have the opportunity to attend elementary and secondary school in their home community;

Therefore, be it resolved that:

The province increase the Rural and Northern Education Fund (RNEF) to \$50 million;

Should the current moratorium on accommodation reviews and school closures be lifted, we ask that the moratorium remain in place for schools that qualify for the RNEF until a thorough review of the education funding formula is completed;

Before templates required by the 2018 Pupil Accommodation Review Guideline (PARG) are developed, there be consultation with school boards and community groups including the Community Schools Alliance.

Carried

12.4 City of Brantford - Release all Documents Related to Former Mohawk Institute Residential School

12.5 RAAS - Road Closure Request

West Elgin Council direct staff to send a letter explaining the costs associated with road closures and that they look forward to the RAAS letter requesting a road closure for their parade.

13. Up Coming Meetings

13.1 Four Counties Transit - May 31 at 8:30 a.m.

This meeting has been rescheduled to June 6.

14. Council Inquires/Announcements

14.2 Statements/Inquires by Councillors

Councillor Tellier stated that there is a Pop up Clinic today at the Elgin International Club.

14.3 Matters of Urgency

Jana Nethercott, Clerk stated that a request has been submitted from Southwestern Public Health for a waiver of rental fees for the West Elgin Community Centre for June 8 & 22, July 6 & 20, August 3, 17 & 31 for the hours of 9:30 a.m. to 3:30 p.m.

Resolution No. 2022- 223

Moved: Councillor Cammaert

Seconded: Councillor Tellier

That West Elgin Council hereby waive the fees for all COVID-19 vaccination clinics at all municipal facilities pending availability.

Carried

15. By-Laws

15.1 2022-34 - Establish Joint Compliance Audit Committee

Resolution No. 2022- 224

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That By-law 2022-34 being a By-law to establish an Election Joint Compliance Audit Committee for the 2022 Municipal Election in accordance with the Municipal Elections Act, 1996, as amended, be read a first, second and third and final time.

Carried

15.2 2022-36 - ReZone 196 Ridge Street

Resolution No. 2022- 225

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That By-law 2022-36 Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as 196 Ridge Street, be read a first, second and third and final time.

Carried

15.3 2022-37 - Rezone Southwest Corner of Graham and Jane Streets

Resolution No. 2022- 226

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That By-law 2022-7 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 Lot 18, Concession 8, being Part 7 on 11R-9329, as amended, be read a first, second and third and final time.

Carried

15.4 2022-38 - Amend Fees and Charges By-Law

Resolution No. 2022- 227

Moved: Councillor Rowe

Seconded: Councillor Tellier

That By-Law 2022-38 being a By-Law to Amend By-Law 2021-69 to Provide for Various Fees and Charges for the Municipality of West Elgin for 2022, be read a first, second and third and final time.

Carried

16. Confirming By-Law

Resolution No. 2022- 228

Moved: Councillor Tellier

Seconded: Deputy Mayor Leatham

That By-law 2022-35 being a By-law to confirm the proceeding of the Regular Meeting of Council held on May 26,2022 be read a first, second and third and final time.

Carried

17. Adjournment

Resolution No. 2022- 229

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That the Council of the Municipality of West Elgin hereby adjourn at 12:24 p.m. to meet again at 9:30 a.m. on June 9, 2022 or at the call of the Chair.

Carried

Duncan McPhail, Mayor

Jana Nethercott, Clerk