



Municipality of West Elgin

Minutes

Council Meeting

January 10, 2019 – 9:30 a.m.

Council Chambers, West Elgin Municipal Building

Present: Mayor McPhail
Deputy Mayor Leatham
Councillor Cammaert
Councillor Rowe
Councillor Tellier

Staff Present: G. Scharback, CAO/Clerk
M. Badura, Treasurer
L. Gosnell, Public Works Superintendent
J. Morgan-Beunen, Chief Building Official
H. James, Planner
J. Nethercott, Deputy Clerk

Also Present: Ken Neil, West Lorne Optimist Club

1. Call to Order

Mayor McPhail called the meeting to order at 9:31 a.m. Mayor McPhail thanked Councillor Rowe for attending County Council as it promotes understanding of County business. Mayor McPhail provided a verbal update on County Council stating that County Council has made the decision to move ahead with redevelopment with Terrace lodge in Aylmer, it was decided to proceed with the mix of a new build and a retro fit of the existing building to save roughly ten million dollars but still following ministry direction. Mayor McPhail stated that he had the opportunity to meet with the Minister of Transportation and CAO/Clerk for Elgin County. In that meeting they covered a lot of County Provincial relations and issues such as the farm tax rebate on agricultural land, County subsidizing nursing home beds and the possibility of a new funding formula, broad band internet and SWIFT. The Minister was very receptive to all issues brought forward. Mayor McPhail also stated that County Council has been made aware of funding discrepancies between the now amalgamated Health Units that currently make up Southwestern Public Health, so far there is no cost savings to be seen with the amalgamation.

2. Adoption of Agenda

Resolution No. 01

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That West Elgin Council hereby adopt the agenda as circulated.

Disposition: Carried

3. Disclosure of Pecuniary Interest

Angela Cammaert to item 5.1 due to business interest in the Optimist Club Road Race and declared that she is a member of the West Lorne Optimist Club.

4. Public Meeting

None

5. Delegations

5.1. K. Neil, West Lorne Optimist Club

Resolution No. 02

Moved: Councillor Tellier

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the delegation from K. Neil, West Lorne Optimist Club;

And supports in principle the request directs staff to bring forward a resolution at the next Regular Meeting of Council to enter into an agreement for Play Ground Equipment and to support the West Lorne Optimist Road Race through funding of the race shirts and timing equipment.

Disposition: Carried

Mr. Neil spoke on behalf of West Lorne Optimist club stating that they want to add a new playground near the pavilion and skate board park within Millar Park in West Lorne. They are looking at \$150,000 for equipment and they are applying for grants such as Trillium Grant and will require a letter of support as well as a five year lease agreement with Municipality for the land that the playground equipment will be placed in order to apply for these grants.

Mr. Neil then spoke about the Mother's Day Road Race held annually in West Lorne. This even has seen the numbers increase each year. This event has raised approximately \$12,000 over the past 4 years for 2 Optimist Charities, Conductive Education Program and childhood cancer Beads for Bravery Program. At this time the West Lorne Optimist Club would like to request sponsorship for the timing of the racers and race shirts, which last year amounted to approximately \$1,350.00 plus in kind donation of Fire Department personnel to block cars to protect the racers.

6. Minutes

Resolution No. 03

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That minutes of the Council meeting on December 20, 2018 be adopted as circulated and printed.

Disposition: Carried

7. Business Arising from Minutes

7.1. Report # 8.11.2

Resolution No. 04

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That West Elgin Council hereby directs that The Municipality of West Elgin here by opts in to allowing cannabis retail stores in the Municipality of West Elgin; and

That the CAO/Clerk is hereby directed to send the Alcohol and Gaming Commission of Ontario Registrar written notification of this resolution prior to January 22, 2019.

Disposition: Carried

8. Staff Reports

8.1. Building

8.1.1. J. Morgan-Beunen, Chief Building Official – Building Permit Report November 1, 2018 to December 31, 2018

Resolution No. 05

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That West Elgin Council receives the report from Jackie Morgan-Beunen, CBO re: Building Permit Report November 1, 2018 to December 31, 2018 for information purposes.

Disposition: Carried

8.2. By-Law Enforcement

8.3. Emergency Management/ Fire

8.4. Municipal Drains

8.5. Public Works

8.5.1. L. Gosnell, Public Works Superintendent – Main Street West Lorne

Resolution No. 06

Moved: Councillor Cammaert

Seconded: Councillor Tellier

That West Elgin Council receives the report from L. Gosnell, Public Works Superintendent re: Main Street in West Lorne; and

Direct staff to obtain a legal opinion regarding the streetscape construction on private property.

Disposition: Carried

Council Recessed at 11:07 a.m. and reconvened at 11:20 a.m. Council then addressed item number 8.8.1 before continuing on with items 8.5.2.

8.5.2. L. Gosnell, Public Works Superintendent – Roads Monthly Update – December 2018

Resolution No. 07

Moved: Councillor Rowe

Seconded: Councillor Cammaert

That West Elgin Council receives the report from L. Gosnell, Public Works Superintendent re: Roads Monthly Update for December 2018.

Disposition: Carried

Mayor McPhail passed on compliments to the Roads Department for the conditions of the gravel roads as he has receive many compliments on the shape of our gravel roads this year.

CAO/Clerk Genevieve Scharback inquired if Council was amenable to setting up Twitter account to update citizens on road conditions prior to approval of a Communications Strategy being put into place. Council agreed with this suggestion and a Twitter Account to be run by the Clerk's Department.

8.6. Recreation

8.7. Treasury

8.7.1. M. Badura, Treasurer – 2018 Engagement Audit

Resolution No. 08

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That West Elgin Council receives the report from M. Badura, Treasurer re: 2018 Engagement Audit Letter; and

That West Elgin Council authorize the Mayor and Clerk to sign the Acknowledgement of Audit Services Agreement for the 2018 fiscal year for the Municipality of West Elgin and Tri-County Water Board.

Disposition: Carried

8.8 Planning

8.8.1. H. James, Planner – Request for Council to Declare Municipal Lands Surplus

Resolution No. 09

Moved: Councillor Cammaert

Seconded: Councillor Tellier

That West Elgin Council receives the report from H. James, Planner re: Request for Council to Declare Municipal Lands Surplus; and

That West Elgin Council authorize the CAO/Clerk to proceed with implementing the procedures prescribed by By-Law 2002-41 being a By-Law to Provide for Procedures for the Sale of Land Owned by the Corporation of the Municipality of West Elgin for municipally owned lands legally described as Part of Lot 64 Plan 199 Parts 2 and 3 on RP 11R-9125.

Disposition: Carried

8.8. Wastewater

8.9. Water

8.10. Administration

8.11.1. G. Scharback, CAO/Clerk – West Elgin 2018 Municipal Elections Accessibility Report

Resolution No. 10

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That West Elgin Council receives the report from G. Scharback, CAO/Clerk re: West Elgin 2018 Municipal Elections Accessibility Report.

Disposition: Carried

8.11.2. G. Scharback, CAO/Clerk – Apportionment of Drainage Assessment Due to Severance of Land

Resolution No. 11

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

That West Elgin Council receives the report from G. Scharback, CAO/Clerk re: Apportionment of Drainage Assessment 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 Hampton Municipal Drain, as part of severance E87/18 as presented.

Disposition: Carried

9. Accounts

Resolution No. 12

Moved: Deputy Mayor Leatham

Seconded: Councillor Cammaert

That the Mayor and Treasurer are hereby authorized to sign Payment Voucher #1 amounting to \$797,535.48 in settlement of General, Road, Water and Arena Accounts (including cheques # 24705-24745 & EFT# 964-1028, online Payments# 143-153 and Payroll PP26-01).

Disposition: Carried

10. Notice of Motion

10.1. Resolution No. 13

Moved: Councillor Rowe

Seconded: Deputy Mayor Leatham

Whereas the Ministry of Environment Conservation and Parks has posted Regulation Amendments on the Environmental Registry of Ontario (ERO) website, www.ero.ontario.ca that deal with restoring municipal planning authority for siting of renewable energy projects; and

Whereas a deadline of January 18, 2019 has been set for comment on these proposed amendments;

Now therefore be it resolved that the Municipality of West Elgin submit the following comments to the ERO prior to the deadline:

Amendments to the Renewable Energy Approvals Regulation- O Reg 359/09 ERO# 013-3800:

Criteria for Demonstrating Demand –

- *This process needs to focus on total net demand across the system. Large-scale proposals for companies to generate electricity for their own use and net-metering will create reductions in demand on provincial system, leaving the province with more costly stranded production. This extra cost will be reflected in the Global Adjustment, and electricity users will be required to cover this added cost. This would pose undue hardship on our citizens, farms and other businesses, and industries.*
- *Since Ontario's base generation system is already largely free of carbon emissions, promotion of large-scale, private renewable generation should be deferred until the added capacity is actually required.*

Impact on the Environment -

- *Current set-backs for wind turbines need to be increased based on learning from complaints from existing projects, new research into wind turbine noise, and actions other jurisdictions have taken to protect the health of people living near the projects.*
- *The current review process outlined in Regulation 359/09 needs to be completely reviewed to ensure that these goals of protecting the environment will be achieved.*
- *The very limited public consultation process needs to be completely revamped to bring it in line with the government's commitment to openness and transparency.*
- *Changes to the Environmental Protection Act are required to expand the scope for appeals of REA decisions and the standards for successful appeal need to be made more realistic:*
 1. *Add grounds for appeal reflecting the requirement from ERO# 013-3800 that "the benefits of the energy outweigh the impacts to the environment".*

2. *Allow municipalities to appeal based on the impact of the project on the economy of the municipality and/or the impact on infrastructure managed by the municipality.*
3. *Modify wording to replace “will cause” with wording that aligns with EPA Section 12 which requires only “reasonable and probable grounds” for the director to take action.*

Amending the Renewable Energy Approvals Regulation – O Reg 359/09 to help restore municipal authority: ERO # 013 - 4040

- *We support the stated purpose of the amendments, that being to restore municipal planning authority for Renewable Energy Projects*
- *Current local planning documents do not reflect municipal views; the amendment process requires time*
- *Process should be changed to require a municipal support resolution approved by Council for at least the transition period that will be required to make necessary modifications to zoning by-laws and official plans.*
- *Before municipalities are encouraged to pass zoning by-laws, which will include set-back provisions, changes to the set-backs contained in Regulation 359/09 need to be implemented by the province.*
- *Municipal consultations should be immediately disclosed to the public by project proponents, to ensure full openness and transparency, rather than waiting until the final public meeting.*
- *Wider changes are required to Regulation 359/09 to provide opportunities for full public input.*
- *Protection from Litigation and Appeals Legislation, which has been added to the Planning Act, appears to cover only municipal by-laws that promote renewable energy projects.*
- *Municipal actions, including zoning by-laws that impose limits on renewable energy projects may still be subject to appeal.*
- *Legislation needs to be amended/clarified to allow municipalities to limit or reject wind turbine projects and to manage municipal assets, without threat of appeals or lawsuits.*
- *The existing Provincial Policy Statement must be amended to allow municipal official plans, and associated zoning bylaws, to reject wind turbines.*

And that the resolution be circulated to Elgin County and area municipalities as well as to the Member of Provincial Parliament for West Elgin.

Disposition: Carried

11. Council Announcements

Councillor Cammaert brought forward a suggestion from a constituent to extend sidewalk and street lighting on Pioneer Line on the edge of West Lorne. Council chose to note these comments and requested that Councillor Cammaert respond stating that Council is taking this under consideration but at this time there is no plan to act on this suggestion until such time as a service review is undertaken of all the services in the municipality.

Councillor Cammaert stated that she will be in contact with the Horticultural Society about attending an upcoming meeting on behalf of Council.

12. Correspondence

- 12.1. Association of Municipalities of Ontario** – Financial Risks for Property Taxpayers and Municipal Budgets
- 12.2. Stewardship Ontario** – Industry funding for Municipal Blue Box Recycling for the third quarter of the 2018 Program Year
- 12.3. Councillor Bonnie Rowe** - Wind Concerns Ontario, Regulation Changes Proposed for Renewable Energy Projects
- 12.4. Ministry of Transportation** – Gas Tax Funding Update

Resolution No. 14

Moved: Councillor Rowe
Seconded: Councillor Tellier

That West Elgin Council receive and file all correspondence not otherwise dealt with.

Disposition: Carried

13. Closed Session

None.

14. Report from Closed Session

None.

15. By-Laws

15.1. 2019-01 Borrowing By-Law

Resolution No. 15

Moved: Councillor Cammaert
Seconded: Deputy Mayor Leatham

That By-Law 2019-01 being a By-Law for Municipal Borrowing of Current Expenditures be read for a first, second and third and final time.

Disposition: Carried

15.2. 2019-02 Appoint Committee of Adjustment

Resolution No. 16

Moved: Councillor Tellier
Seconded: Councillor Rowe

That By-Law 2019-02 being a By-Law to Constitute and Appoint a Committee of Adjustment for the Municipality of West Elgin, be read for a first, second and third and final time.

Disposition: Carried

15.3. 2019-03 – Appoint Municipal By-Law Enforcement /Property Standards Officer

Resolution No. 17

Moved: Deputy Mayor Leatham

Seconded: Councillor Cammaert

That By-Law 2019-03 being a By-Law to Appoint Municipal By-Law Enforcement/Property Standards Officer for the Corporation of the Municipality of West Elgin, be read a first, second and third and final time.

Disposition: Carried

15.4. 2019-04 – Debenture By-Law

Resolution No. 18

Moved: Councillor Cammaert

Seconded: Councillor Rowe

That By-Law 2019-04 being a By-Law to Authorize the issue of Debentures in the principal amount of \$99,270.52 for the installation of a waterline on Silver Clay Line, be read for a first, second and third and final time.

Disposition: Carried

15.5. 2019-05 – Amending Agreement with OCWA

Resolution No. 19

Moved: Deputy Mayor Leatham

Seconded: Councillor Tellier

That By-Law 2019-05 being a By-Law to Authorize the Execution of an Amending Agreement with Ontario Clean Water Agency for Water Distribution and Collection Services, be read a first, second and third and final time.

Disposition: Carried

15.6. 2019-06 – Tri-County Water Board Amending Agreement with OCWA

Resolution No. 20

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That By-Law 2019-06 being a By-Law to Authorize the Execution of an Amending Agreement with Ontario Clean Water Agency for the Tri-County Water Board, be read a first, second and third and final time.

Disposition: Carried

16. Confirming By-Law

Resolution No. 21

Moved: Councillor Cammaert
Seconded: Councillor Tellier

That By-Law 2019-07 being a By-Law to confirm the proceedings of the regular meeting of Council held on January 10, 2019, be read a first, second and third and final time.

Disposition: Carried

17. Adjournment

Resolution No. 22

Moved: Councillor Tellier
Seconded: Deputy Mayor Leatham

That Council of the Corporation of the Municipality of West Elgin hereby adjourn at 1:11 p.m. to meet again at 9:30 a.m. on January 24, 2019 or at the call of the Chair.

Disposition: Carried

Duncan McPhail
Mayor

Jana Nethercott
Deputy Clerk