

ELGIN COUNTY COUNCIL

MINUTES

July 9, 2019

Council Present: Warden Duncan McPhail
Deputy Warden Grant Jones
Councillor Bob Purcell
Councillor Sally Martyn
Councillor Tom Marks
Councillor Mary French
Councillor Dave Mennill
Councillor Dominique Giguère
Councillor Ed Ketchabaw

Staff Present: Julie Gonyou, Chief Administrative Officer
Rob Bryce, Director of Human Resources
Jim Bundschuh, Director of Financial Services
Brian Lima, Director of Engineering Services
Michele Harris, Director of Homes and Seniors Services
Brian Masschaele, Director of Community and Cultural Services
Steve Evans, Manager of Planning
Stephen Gibson, County Solicitor
Jenna Fentie, Legislative Services Coordinator

1. CALL TO ORDER

Elgin County Council met this 9th day of July, 2019 in the Council Chambers, at the County Administration Building, St. Thomas at 9:02 a.m. with Warden McPhail in the chair.

2. ADOPTION OF MINUTES

Moved by: Councillor Jones
Seconded by: Councillor Marks

Resolved that the minutes of the meeting held on June 25, 2019 be adopted.

- Motion Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

4. PRESENTING PETITIONS, PRESENTATIONS AND DELEGATIONS

4.1 Retirement Recognition – Rob Bryce, Director of Human Resources

Warden McPhail presented a certificate of retirement to Rob Bryce, Director of Human Resources and thanked him for 9 years of dedicated service to the County of Elgin.

4.2 St.Thomas – Elgin Health Recruitment Partnership – Cheryl Fish, Health Recruiter

Cheryl Fish, Health Recruiter for City of St. Thomas – County of Elgin provided a presentation to Council outlining the role of the Partnership Committee and the strategies and challenges in recruiting physicians in Elgin County.

Moved by: Councillor Jones
Seconded by: Councillor Martyn

Resolved that the presentation titled "St. Thomas-Elgin Health Recruitment Partnership" from the Health Recruiter for City of St. Thomas – County of Elgin be received and filed.

- Motion Carried.

5. COMMITTEE OF THE WHOLE

Moved by: Councillor Purcell
Seconded by: Councillor Mennill

Resolved that we do now move into Committee of the Whole Council.

- Motion Carried.

6. REPORTS OF COUNCIL, OUTSIDE BOARDS AND STAFF

6.1 International Plowing Match (IPM) Legacy Agricultural Scholarship – 2019 Winners - Warden

Warden McPhail congratulated the 2019 winners of the International Plowing Match Scholarship. Nolan McLarty and Murranda McCallum will each receive \$2,500 towards their future education in agriculture.

Moved by: Councillor Marks
Seconded by: Councillor Ketchabaw

Resolved that the Warden, County Council and 2010 IPM Executive Committee hereby acknowledge and congratulate Ms. Murranda McCallum of the Township of Southwold (\$2,500) and Mr. Nolan McLarty of the Municipality of West Elgin (\$2,500) as the 2019 recipients of the International Plowing Match Legacy Agricultural Scholarship.

- Motion Carried.

6.2 County Council Strategic Planning - Warden

Warden McPhail presented the report recommending that an external facilitator be hired to guide public and staff conversations which will be utilized to inform the corporate mission, vision, priorities, goals, and objectives.

Moved by: Councillor Jones
Seconded by: Councillor Mennill

Resolved that the Chief Administrative Officer be directed to hire an external facilitator to assist with the Strategic Plan group conversations, for an amount not to exceed \$10,000; and that the Chief Administrative Officer be directed to provide a report to Council detailing the strategic planning process roll-out and schedule for Council's consideration in August 2019; and that the Chief Administrative Officer be directed to work with the Management Team to provide a follow-up report on Council's 2019 Action Plan validating the measures implemented as a background document for use by Council during the Strategic Planning Process.

- Motion Carried.

6.3 POA/Museum Landscaping – Warden

Warden McPhail presented the report outlining the landscaping design plans for the Elgin County Heritage Centre and the new POA Courthouse.

Moved by: Councillor Purcell
Seconded by: Councillor Mennill

Resolved that the Warden and Chief Administrative Officer be authorized to sign a tree planting agreement with Kettle Creek Conservation Authority (KCCA); and that the report titled "POA/Museum Landscaping" from the POA Steering Committee Chair dated July 3, 2019 be received and filed.

- Motion Carried.

6.4 **Elgin Natural Heritage Systems Study 2019 – Cathy Quinlan and Terry Chapman, Upper Thames Conservation Authority**

Moved by: Councillor Giguère
Seconded by: Councillor Ketchabaw

Resolved that the report titled "Elgin Natural Heritage Systems Study 2019" from Cathy Quinlan and Terry Chapman from the Upper Thames Conservation Authority be deferred; and that Cathy Quinlan and Terry Chapman be invited to present at the August 13, 2019 County Council meeting.

- Motion Carried.

6.5 **Elgin County Official Plan Five (5) Year Review – Natural Heritage System Study – 2019 (June 5th Draft) – Manager of Planning**

The Manager of Planning presented the report recommending that the 2019 (June 5th Draft) of the Elgin Natural Heritage System Study be made available to the public for review and comment.

Moved by: Councillor Giguère
Seconded by: Councillor Ketchabaw

Resolved that the report titled "Elgin County Official Plan Five (5) Year Review – Natural Heritage System Study – 2019" from the Manager of Planning dated June 28, 2019 be deferred to allow the Steering Committee sufficient time to meet and review the Elgin Natural Heritage Systems Study prior to presentation to Council at a future meeting.

- Motion Carried.

Council recessed at 10:00 a.m. and reconvened at 10:08 a.m.

6.6 **Approval for Official Plan Amendment No. 18 – Manager of Planning**

The Manager of Planning provided Council with the information required in order to consider granting approval to Official Plan Amendment No.18 to the Town of Aylmer Official Plan.

Moved by: Councillor French
Seconded by: Councillor Marks

Resolved that the Council of the Corporation of the County of Elgin approves Official Plan Amendment No.18 to the Town of Aylmer Official Plan, File No. AY-OPA18-19; and that staff be directed to provide notice of this decision in accordance with the Planning Act.

- Motion Carried.

6.7 **Approval for Official Plan Amendment No.19 - Manager of Planning**

The Manager of Planning provided Council with the information required in order to consider granting approval to Official Plan Amendment No. 19 to the Town of Aylmer Official Plan.

Moved by: Councillor French
Seconded by: Councillor Jones

Resolved that the Council of the Corporation of the County of Elgin approves Official Plan Amendment No. 19 to the Town of Aylmer Official Plan, File No. AY-OPA19-19; and that staff be directed to provide notice of this decision in accordance with the Planning Act.

- Motion Carried.

6.8 **Notice of Final Approval Plan of Vacant Land Condominium – Manager of Planning**

The Manager of Planning presented the report informing Council that final approval was given for a plan of condominium in the Municipality of Central Elgin on June 4, 2019.

Moved by: Councillor Martyn
Seconded by: Councillor Marks

Resolved that the report titled “Final Approval for a Vacant Land Plan of Condominium (Jacklin Farm Phase 3)” from the Manager of Planning dated June 4, 2019 be received and filed.

- Motion Carried.

6.9 **Exemption from Draft Plan Approval – Harbourside Corporation – Manager of Planning**

The Manager of Planning provided Council with the information necessary to consider granting an exemption for a plan of condominium in Port Stanley.

Moved by: Councillor Martyn
Seconded by: Councillor French

Resolved that the Council of the Corporation of the County of Elgin grants an exemption to draft plan approval for a Standard Plan of Condominium for Harbourside Corporation in the Municipality of Central Elgin (Port Stanley) File No. 34CD-CE1702; and that staff be directed to provide a certificate of exemption, sign the final plans and submit them to the Land Registry Office in accordance with the Planning Act and the Condominium Act.

- Motion Carried.

6.10 **Adult Day Program Fees – Director of Homes and Seniors Services**

The Director of Homes and Seniors Services presented the report informing Council that the Adult Day Program fees are scheduled to increase effective August 1, 2019.

Moved by: Councillor Martyn
Seconded by: Councillor Giguère

Resolved that the report titled “Adult Day Program Fees” from the Director of Homes and Seniors Services dated June 27, 2019 be received and filed.

- Motion Carried.

6.11 **Newspaper Digitization Funding from Ontario Genealogical Society – Director of Community and Cultural Services**

The Director of Community and Cultural Services presented the report seeking approval to accept a \$7,000 donation from the Elgin County Chapter of the Ontario Genealogical Society for the purpose of funding a project to digitize and publish online select editions of County newspapers.

Moved by: Councillor Purcell
Seconded by: Councillor Mennill

Resolved that the Elgin County Archives be authorized to accept \$7,000 from the Elgin County Chapter of the Ontario Genealogical Society for the purpose of funding a digitization project for Elgin County newspapers; and that the funds be deposited into a project account for this purpose; and that the Warden on behalf of Council issue a letter of appreciation to the President of the Elgin County Chapter of the Ontario Genealogical Society.

- Motion Carried.

6.12 **2018 Annual Report and Audited Financial Statements - Director of Financial Services**

The Director of Financial Services presented the report recommending that the 2018 Annual Report and the audited financial statements be approved for publication.

Moved by: Councillor Mennill
Seconded by: Councillor Jones

Resolved that the 2019 Annual Report, Financial Information Return (FIR) and Audited Consolidated Financial Statements be approved for publication.

- Motion Carried.

6.13 **Port Bruce Bridge Replacement – Structure Alternatives – Director of Engineering Services**

The Director of Engineering Services presented the report updating Council on the ongoing Municipal Class Environmental Assessment Process and four available alternatives being considered to replace the Port Bruce Bridge.

Moved by: Councillor Mennill
Seconded by: Councillor Jones

Resolved that the report titled “Port Bruce Bridge Replacement – Structure Alternatives” from the Director of Engineering Services dated June 28, 2019 be received and filed.

- Motion Carried.

6.14 **Imperial Road Transportation Impact Study Preliminary Findings – Director of Engineering Services**

The Director of Engineering Services presented the report recommending that as a result of the Imperial Road Transportation Impact Study the No-Parking By-law be amended to include sections of Imperial Road in the Township of Malahide.

Moved by: Councillor Mennill
Seconded by: Councillor Ketchabaw

Resolved that the report titled “Imperial Road Transportation Impact Study Preliminary Findings” from the Director of Engineering Services dated June 26,

2019 be received and filed; and that By-law No. 16-11 "Being a By-law for the Regulation of Traffic" Schedule A be amended as follows:

- 20.8 County Road #73 (Imperial Road) starting 370 metres north of Glencolin Line (NPL) on the east side of Imperial Road north for a distance of 1,325 metres; and
- 20.9 County Road #73 (Imperial Road) starting 370 metres north of Glencolin Line (NPL) on the west side of Imperial Road north for a distance of 1,325 metres.

- Motion Carried.

6.15 **Community Flag Raising and Flag Protocol Policy – Chief Administrative Officer**

The Chief Administrative Officer presented the report seeking Council's approval for the installation of a Community Flagpole at the Elgin County Heritage Centre and approval for the new policy "Community Flag Raising and Flag Protocol Policy".

Moved by: Councillor Marks
Seconded by: Councillor French

Resolved that the report titled "Community Flag Raising and Flag Protocol Policy" from the Chief Administrative Officer dated July 1, 2019 be received and filed; and resolved that Council approve the expenditure of \$3,000 from the established project budget for the Provincial Offences Administration Building Project for the supply and installation of a flagpole to be located in front of the Heritage Centre building; and resolved that Council approve an additional expenditure for a walkway to the flagpole of 180 square feet at a cost of \$4,500 from the established project budget for the Provincial Offences Administration Building project; and resolved that Council approve the proposed "Community Flag Raising Flag Protocol Policy" replacing the "Flag Half-Masting Protocol Policy" previously approved by Council on October 2, 2015; and resolved that Council delegate the authority for approving or denying requests for the Community Flag Raising(s) to the Warden, subject to the terms of the Community Flag Raising and Flag Protocol Policy; and resolved that the list of approved Community Flag Raisings be brought forward to Council once a year for information and review purposes; and resolved further that staff be authorized and directed to do all things necessary to give effect to this resolution.

- Motion Carried.

7. COUNCIL CORRESPONDENCE

7.1 **Items for Consideration**

None.

7.2 **Items for Information (Consent Agenda)**

1. Elgin County Homes Farm to Table Seniors Gathering Event Posters.
2. Class Environmental Assessment Imperial Road Port Bruce Bridge at Catfish Creek Notice of Public Information Centre.
3. Fred Eisenberger, Mayor, City of Hamilton with a letter to Honourable Christine Elliott regarding the proposed changes to public health in Ontario.
4. Jon Pegg, Chief of Emergency Management, Office of the Fire Marshal and Emergency Management congratulating the County of Elgin on achieving compliance with the Emergency Management and Civil Protection Act in 2018.
5. SWIFT Quarterly News Update – June 2019.

Moved by: Councillor Marks
Seconded by: Councillor Giguère

Resolved that Correspondence Items #1 – 5 be received and filed.

- Motion Carried.

8. OTHER BUSINESS

8.1 Statements/Inquiries by Members

8.1.1 Warden McPhail announced that \$19,000 was raised for the Elgin-Middlesex United Way at the Warden's Annual Golf Tournament on June 27, 2019. The Warden expressed his appreciation to the Special Events Committee for their hard work and dedication in planning this year's tournament, and thanked Councillor Jones for volunteering at the event.

8.2 Notice of Motion

None.

8.3 Matters of Urgency

8.3.1 Moved by: Councillor Jones
Seconded by: Councillor Purcell

WHEREAS information has been received that the constitutionality of a provision commonly utilized in Tender/Proposal Documents, by which any tender, proposal, or quotation will not be accepted from any proponent who has made claim or initiates litigation against the inviting municipality is being challenged in an action involving Middlesex County and an asphalt paving contractor.

AND WHEREAS Elgin County includes the same or a similar provision in its Tender/Proposal Documents as is relevant in the said action and has utilized the prohibition contained therein in the past.

AND WHEREAS staff representatives of the most relevant municipal departments have expressed support for continued inclusion and use of the said prohibition.

NOW THEREFORE BE IT RESOLVED THAT:

1. Elgin County Council acknowledges that the litigation involving the constitutionality of the prohibition against acceptance of tenders, proposals, or quotations from active claimants/litigants as included in Tender/Proposal Documents is a matter of significance to its purchasing operations and practices.
2. Elgin County Council acknowledges and declares that its purchasing operations and practices would be adversely affected if the prohibition against acceptance of tenders, proposals, or quotations from active claimants/litigants as included in Tender/Proposal Documents were found to be unconstitutional.

- Motion Carried.

8.3.2 Moved by: Councillor Marks
Seconded by: Councillor Mennill

Resolved that we consider an additional item for closed meeting session in accordance with the Municipal Act to discuss matters under the Municipal Act Section 239 (2) regarding contract negotiations.

In-Camera Item #3

(a) the security of the property of the municipality or local board.

- Motion Carried.

8.3.3 Moved by: Councillor Marks
Seconded by: Councillor Mennill

Resolved that we consider an additional item for closed meeting session in accordance with the Municipal Act to discuss matters under the Municipal Act Section 239 (2) regarding property matters.

In-Camera Item # 4

(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on to be carried on by or on behalf of the municipality or local board.

- Motion Carried.

8.3.4 Warden McPhail requested Council's direction to send letters welcoming the new Minister of Infrastructure, Minister of Transportation, and Minister of Long-Term Care.

Moved by: Councillor Marks
Seconded by: Councillor Purcell

Resolved that the Warden be directed to send letters to the Minister of Infrastructure, Minister of Transportation, and Minister of Long-Term Care welcoming them to their new roles.

- Motion Carried.

9. CLOSED MEETING ITEMS

Moved by: Councillor Marks
Seconded by: Councillor Martyn

Resolved that we do now proceed into closed meeting session in accordance with the Municipal Act to discuss matters under Municipal Act Section 239 (2):

In-Camera Item #1

(a) the security of the property of the municipality or local board – Museum and Archives Collection Purchase

In-Camera Item #2

(b) personal matters about an identifiable individual, including municipal or local board employees – Human Resources Update

In-Camera Item #3

(a) the security of the property of the municipality or local board.

In-Camera Item #4

(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on to be carried on by or on behalf of the municipality or local board.

- Motion Carried.

10. RECESS

None.

11. MOTION TO RISE AND REPORT

Moved by: Councillor Purcell
Seconded by: Councillor Martyn

Resolved that we do now rise and report.

- Motion Carried.

In-Camera Item #1 – Museum and Archives Collection Purchase

Moved by: Councillor Jones
Seconded by: Councillor Marks

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera Item #2 – Human Resources Update

Moved by: Councillor Purcell
Seconded by: Councillor Mennill

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera Item #3

Moved by: Councillor Martyn
Seconded by: Councillor Giguère

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera Item #4

Moved by: Councillor Jones
Seconded by: Councillor French

Resolved that staff proceed as directed.

- Motion Carried.

INTERNATIONAL PLOWING MATCH LEGACY SCHOLARSHIP PRESENTATIONS

Warden McPhail congratulated Murranda McCallum of the Township of Southwold and Nolan McLarty of the Municipality of West Elgin on being the 2019 International Plowing Match Legacy Scholarship recipients. Ms. McCallum and Mr. McLarty were each awarded \$2,500 towards their future studies in agriculture.

12. MOTION TO ADOPT RECOMMENDATIONS FROM THE COMMITTEE OF THE WHOLE

Moved by: Councillor Marks
Seconded by: Councillor Jones

Resolved that we do now adopt recommendations of the Committee Of The Whole.

- Motion Carried.

13. CONSIDERATION OF BY-LAWS

13.1 By-law No. 19-28 – No Parking By-law Amendment

To Amend the Schedule to By-law No. 16-11 Being a By-law for the Regulation of Traffic.

Moved by: Councillor Ketchabaw
Seconded by: Councillor French

Resolved that By-law No. 19-28 be now read a first, second and third time and finally passed.

- Motion Carried.

13.2 By-law 19-29 – Ontario Nurses' Association Agreement Renewal

BEING a By-law to Authorize the Execution of a Collective Agreement Between the Corporation of the County of Elgin and the Ontario Nurses' Association, with Respect to All Nurses at Elgin Manor, Terrace Lodge and Bobier Villa.

Moved by: Councillor Giguère
Seconded by: Councillor Jones

Resolved that By-law No. 19-29 be now read a first, second and third time and finally passed.

- Motion Carried.

13.2 By-law 19-30 – Confirming all Actions and Proceedings

BEING a By-law to Confirm Proceedings of the Municipal Council of the Corporation of the County of Elgin at the July 9, 2019 Meeting.

Moved by: Councillor Martyn
Seconded by: Councillor Mennill

Resolved that By-Law No. 19-30 be now read a first, second and third time and finally passed.

- Motion Carried.

14. ADJOURNMENT

Moved by: Councillor Marks
Seconded by: Councillor French

Resolved that we do now adjourn at 11:58 a.m. to meet again on August 13, 2019 at the County Administration Building Council Chambers at 9:00 a.m.

- Motion Carried.

Julie Gonyou,
Chief Administrative Officer.

Duncan McPhail,
Warden.