

ELGIN COUNTY COUNCIL

MINUTES

September 24, 2019

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

Staff Present: Julie Gonyou, Chief Administrative Officer
Jim Bundschuh, Director of Financial Services
Brian Lima, Director of Engineering Services
Amy Thomson, Director of Human Resources
Michele Harris, Director of Homes and Seniors Services
Brian Masschaele, Director of Community and Cultural Services
Stephen Gibson, County Solicitor
Steve Evans, Manager of Planning (report only)
Jenna Fentie, Legislative Services Coordinator
Mike Hoogstra, Purchasing Coordinator (report only)

1. CALL TO ORDER

Elgin County Council met this 24th day of September, 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 Purcell
Seconded by: Councillor Mennill

Resolved that the minutes of the meeting held on September 10, 2019 be adopted.

- Motion Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

4. PRESENTING PETITIONS, PRESENTATIONS AND DELEGATIONS

4.1 Childhood Cancer Awareness Month – David and Maureen Jenkins

David and Maureen Jenkins presented Elgin County Council with the Gold Ribbon Flag and pins in honour of Childhood Cancer Awareness Month. The Jenkins family lost their daughter, Maggie, to childhood cancer in 2014 and continue to keep her memory alive through the Maggie Project, which includes wide-spread national advocacy and fundraising efforts. Warden McPhail thanked the Jenkins family for inviting County Council to join the movement to increase awareness of Childhood Cancer. Warden McPhail made the following proclamation:

Moved by: Councillor Marks
Seconded by: Councillor Ketchabaw

WHEREAS September is officially recognized as Childhood Cancer Awareness Month; and WHEREAS Childcan provides financial, emotional and social support for families and children facing the journey through childhood cancer – from diagnosis, through treatment or recovery or bereavement; and WHEREAS

organizations which support families dealing with childhood cancer are working together to raise awareness of this disease and its devastating effects, as well as raising funds to support the families and children affected, by wearing gold ribbons and pins, lighting buildings in gold and sharing our stories; and WHEREAS raised awareness and funds will help these families and children deal with the emotional and financial toll. NOW, THEREFORE, I, Duncan McPhail, Warden of the Corporation of the County of Elgin, do hereby proclaim September 2019 as Childhood Cancer Awareness Month in the County of Elgin and do commend its thoughtful observance to all citizens of the municipality.

- Motion Carried.

5. HEARING OF APPLICATION FOR COUNCIL EXEMPTION FOR WOODLANDS CLEARING PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. 05-03

Moved by: Councillor Mennill
Seconded by: Councillor Jones

WHEREAS Lou Nirta and James Morley made Application for a Council Exemption to permit woodlands clearing on lands comprising Part of Lot 4, Concession 14, West Elgin, forming a part of lands designated as Part 1 according to Reference Plan 11R-5840, such clearing of trees to accommodate construction of a driveway to service their landholding comprising a separate Part of Lot 4, Concession 14, West Elgin and designated as Part 2 according to Reference Plan 11R-5840;

AND WHEREAS the said Application for Council Exemption is objected to by members of the Hickory Grove Campers' Association, at least in part based upon a claim to ownership of a part of the lands to be cleared by adverse possession;

AND WHEREAS Elgin County Council conducted a hearing in respect of the said Application and Objection on September 24, 2019, and, in the course of such hearing, considered, among other things, the Application for Council Exemption No. 002-019, a Letter of Objection submitted by legal counsel Adrien Cameron dated July 12, 2019, Report to Council by County Solicitor Stephen Gibson as dated August 30, 2019, and representations by persons in attendance at such hearing and wishing to speak to the said Application and Objection.

BE IT NOW RESOLVED THAT, without prejudice to the right of the Applicants to re-apply for a Council Exemption for lands, the title for which is not in dispute, Elgin County Council denies the Application as submitted for the following reasons:

1. The Objector(s) possess a contingent interest in the title to the lands to be harvested and, as such, meet the definition of owner for purposes of Elgin Woodlands Conservation By-Law 05-03.
2. To the extent that the Objector(s) meet the definition of an owner for purposes of Elgin Woodlands Conservation By-Law 05-03, not all owners of the lands to be harvested support the Application for Council Exemption.
3. The issue of ownership of the full extent of the lands to be harvested is currently before the Superior Court of Justice for the Province of Ontario within an action firstly initiated by the Applicants and it would be premature and could pre-empt or adversely reflect upon that matter before the Court and any judicial ruling if Elgin County Council permitted trees to be harvested from the lands whose title is in dispute.
4. A current decision by Elgin County Council to permit the harvesting of trees from lands whose title is in dispute and subject to judicial determination could prove inconsistent with such future determination as to ownership of those lands from which trees are to be harvested.

- Motion Carried.

Council recessed at 10:20 a.m. and reconvened at 10:31 a.m.

6. COMMITTEE OF THE WHOLE

Moved by: Councillor French
Seconded by: Councillor Mennill

Resolved that we do now move into Committee Of The Whole Council.

- Motion Carried.

7. REPORTS OF COUNCIL, OUTSIDE BOARDS AND STAFF

7.1 Quarterly Information Report – Contract Awards April 1, 2019 to June 30, 2019

The Purchasing Coordinator presented the report detailing the contracts awarded over \$15,000 from April 1, 2019 to June 30, 2019.

Moved by: Councillor Marks
Seconded by: Councillor Purcell

Resolved that the report titled “Quarterly Information Report – Contract Awards, April 1, 2019 to June 30 2019” from the Purchasing Coordinator dated September 3, 2019 be received and filed.

- Motion Carried.

7.2 Approval for Official Plan Amendment No. 3, Municipality of West Elgin, WE-OPA-19 – Manager of Planning

The Manager of Planning presented the report detailing the information required in order to consider granting approval to Official Plan Amendment No. 3 to the Municipality of West Elgin Official Plan.

Moved by: Councillor Mennill
Seconded by: Councillor Jones

Resolved that the Council of the Corporation of the County of Elgin approves Official Plan Amendment No. 3 to the Municipality of West Elgin Official Plan, File No. WE-OPA3-19; and that staff be directed to provide notice of this decision in accordance with the Planning Act.

- Motion Carried.

7.3 Draft Approval for a Plan of Subdivision – Little Creek West – Manager of Planning

The Manager of Planning presented the report detailing the information required to consider granting draft plan approval to Little Creek West Draft Plan of Subdivision (Domus Developments (London) Inc.) in the Municipality of Central Elgin.

Moved by: Councillor Martyn
Seconded by: Councillor Marks

Resolved that the Council of the Corporation of the County of Elgin grant draft plan approval to Little Creek West Draft Plan of Subdivision (Domus Developments (London) Inc.) in the Municipality of Central Elgin (Port Stanley) File No. 34T-CE1901; and that staff be directed to provide notice of this decision subject to the conditions for final approval in accordance with the Planning Act.

- Motion Carried.

7.4 **Attending Physician Agreement – Terrace Lodge – Director of Homes and Seniors Services**

The Director of Homes and Seniors Services presented the report recommending that Council authorize staff to enter into a one (1) year attending physician agreement with Dr. Elsie Osagie for Terrace Lodge.

Moved by: Councillor Jones
Seconded by: Councillor Giguère

Resolved that Council authorize staff to sign a one (1) year attending physician agreement from October 23, 2019 to October 22, 2020 with Dr. Elsie Osagie for Terrace Lodge; and that the report titled “Attending Physician Agreement – Terrace Lodge” from the Director of Homes and Seniors Services dated September 17, 2019 be received and filed.

- Motion Carried.

7.5 **August 2019 Year-To-Date (YTD) Budget Performance – Director of Financial Services**

The Director of Financial Services presented the August 2019 Year-To-Date Budget Performance for the County with favourable performance of \$135,000 for the first eight months of the year.

Moved by: Councillor Martyn
Seconded by: Councillor French

Resolved that the report titled “August 2019 Year-To-Date (YTD) Budget Performance” from the Director of Financial Services dated September 17, 2019 be received and filed.

- Motion Carried.

7.6 **Amended Deadline for Charitable Tax Rebates – Director of Financial Services**

The Director of Financial Services presented the report recommending that the Charitable Tax Rebate By-law No. 98-34 be amended to be consistent with provincial legislation.

Moved by: Councillor Marks
Seconded by: Councillor Giguère

Resolved that the Charitable Tax Rebate By-law No. 98-34 be amended to a submission deadline of the last day of February of the following year.

- Motion Carried.

7.7 **Centennial Road/Elm Line Intersection Improvements – Director of Engineering Services**

The Director of Engineering Services presented the report detailing potential intersection improvements for the Centennial Road-Elm Line intersection and next steps required regarding the commencement of the required Municipal Class Environmental Assessment Schedule B project study and preliminary design.

Moved by: Councillor Marks
Seconded by: Councillor Ketchabaw

Resolved that the report titled “Centennial Road/Elm Line Intersection Improvements” from the Director of Engineering Services dated September 16, 2019 be received and filed; and that staff commence the required Municipal Class

Environmental Assessment Schedule B project study and preliminary design to identify a preferred intersection improvement alternative for future implementation.

- Motion Carried.

7.8 **Mount Salem Christian School – Community Safety Zone Request – Director of Engineering Services**

The Director of Engineering Services presented the report recommending that relevant by-laws be amended to support the establishment of a Community Safety Zone and a 40km/hr When Flashing Reduced Speed Zone along Springfield Road (County Road #40) in the vicinity of Mount Salem Christian School as requested by the Township of Malahide Council.

Moved by: Councillor Mennill
Seconded by: Councillor Martyn

Resolved that the report titled “Mount Salem Christian School – Community Safety Zone Request” from the Director of Engineering Services dated September 12, 2019 be received and filed; and that By-law No. 17-11 be amended to include a dynamic 40km/hr reduced speed zone on Springfield Road from 40m south of the south property limits of Calton Line to 408m southerly; and that the dynamic 40km/hr When Flashing sign shall be active between 7:55 to 8:35 a.m. and 3:15 to 3:50 p.m. daily between Monday to Friday and between September 1 and June 30; and that all capital, operational, and maintenance costs associated with the dynamic signage shall be the responsibility of the Township of Malahide; and further that By-law 17-12 be amended to include a Community Safety Zone on Springfield Road (County Road #40) from 40 m south of the south property limits of Calton Line to 408m southerly; and that the Community Safety Zone shall be in effect between 7:30 a.m. to 4:30 p.m. daily between Monday to Friday from September 1 to June 30.

- Motion Carried.

7.9 **Rehabilitation of King George VI Lift Bridge – Status Update – Director of Engineering Services**

The Director of Engineering Services presented the report updating Council on the detailed design, construction cost estimate, the proposed construction schedule, detour, and public consultation for the King George VI Lift Bridge rehabilitation project.

Moved by: Councillor Purcell
Seconded by: Councillor Martyn

Resolved that the report titled “Rehabilitation of King George VI Lift Bridge – Status Update” from the Director of Engineering Services dated September 13, 2019 be received and filed; and that the current bridge weight load limits be maintained.

- Motion Carried.

7.10 **Provincial Health System Transformation Update – Ontario Health Teams – Chief Administrative Officer**

The Chief Administrative Officer presented the report updating Council with respect to the Elgin County/St. Thomas Ontario Health Team Initiative.

Moved by: Councillor Purcell
Seconded by: Councillor Giguère

Resolved that the report titled “Provincial Health System Transformation Update – Ontario Health Teams” from the Chief Administrative Officer dated September 17, 2019 be received and filed.

- Motion Carried.

7.11 **Public Health Funding Shortfall – Chief Administrative Officer**

The Chief Administrative Officer presented the report recommending that Council request a report from Southwestern Public Health detailing how the Board intends to adjust its service delivery model to reflect the new provincial funding changes.

Moved by: Councillor Purcell
Seconded by: Councillor Ketchabaw

Resolved that the report titled “Public Health Funding Shortfall” from the Chief Administrative Officer dated September 17, 2019 be received and filed; and that Southwestern Public Health be requested to provide Elgin County Council with a presentation detailing how the Board intends to adjust its service delivery model to reflect the new provincial funding arrangement as soon as possible.

- Motion Carried.

8. COUNCIL CORRESPONDENCE

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

1. Barry Field, Chief Operating Officer, Southwestern Integrated Fibre Technology Inc. (SWIFT) announcing that the SWIFT Contribution Agreement with the province has been approved for the Phase 2 projects.

Moved by: Councillor Jones
Seconded by: Councillor French

Resolved that Correspondence Item #1 from Barry Field, SWIFT, be received and filed.

- Motion Carried.

2. Jo-Ann Hutchison, Ministry of Tourism, Culture, and Sport with information regarding the Investing in Canada Infrastructure Program: Community, Culture and Recreation.

Moved by: Councillor Giguère
Seconded by: Councillor Martyn

Resolved that Correspondence Item #2 from Jo-Ann Hutchison, Ministry of Tourism, Culture, and Sport, be received and filed.

- Motion Carried.

3. H.G. Wortelboer, resident of the Township of Malahide, with concerns regarding planning Natural Heritage Designation.

Moved by: Councillor Mennill
Seconded by: Councillor Giguère

Resolved that Correspondence Item #3 from H.G. Wortelboer be received and filed.

- Motion Carried.

9. OTHER BUSINESS

9.1 **Statements/Inquiries by Members**

None.

9.2 **Notice of Motion**

None.

9.3 **Matters of Urgency**

None.

10. CLOSED MEETING ITEMS

Moved by: Councillor Purcell
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

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

In-Camera Item #2

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

In-Camera Item #3

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

In-Camera Item #4

(b) personal matters about an identifiable individual, including municipal or local board employees – Legal Recruitment

In-Camera Item #5

(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board – Fire Training Officer/Community Emergency Management Coordinator Agreement (VERBAL)

In-Camera Item #6

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – Port Bruce Bridge (VERBAL)

In-Camera Item #7

(b) a proposed or pending acquisition or disposition of land by the municipality or local board – County Property Disposition – Dutton/Dunwich

In-Camera Item #8

(b) personal matters about an identifiable individual, including municipal or local board employees – HR Organizational Review

- Motion Carried.

11. RECESS

None.

12. MOTION TO RISE AND REPORT

Moved by: Councillor Marks
Seconded by: Councillor Jones

Resolved that we do now rise and report.

- Motion Carried.

In-Camera Item #1 – Ambulance Review

Moved by: Councillor Jones
Seconded by: Councillor Mennill

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera Item #2 – IT Support Services

Moved by: Councillor Martyn
Seconded by: Councillor Giguère

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera Item #3 – SWIFT

Moved by: Councillor French
Seconded by: Councillor Mennill

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera Item #4 – Legal Recruitment

Moved by: Councillor Purcell
Seconded by: Councillor Giguère

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera Item #5 – Fire Training Officer/Community Emergency Management Coordinator Agreement

Moved by: Councillor Jones
Seconded by: Councillor Marks

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera Item #6 – Port Bruce Bridge

Moved by: Councillor Giguère
Seconded by: Councillor French

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera Item #7 – County Property Disposition – Dutton/Dunwich

Moved by: Councillor Purcell
Seconded by: Councillor Mennill

Resolved that staff proceed as directed.

- Motion Carried.

In-Camera #8 – HR Organizational Review

Moved by: Councillor Martyn
Seconded by: Councillor Giguère

Resolved that staff proceed as directed.

- Motion Carried.

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

Moved by: Councillor Marks
Seconded by: Councillor Martyn

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

- Motion Carried.

14. CONSIDERATION OF BY-LAWS

14.1 By-law No. 19-34 – Tax Rebate Amendment

BEING a By-law to Amend By-law No. 98-34, as Amended, Being a By-law to Provide a Property Tax Rebate Program for Eligible Charities

Moved by: Councillor Mennill
Seconded by: Councillor Jones

Resolved that By-Law No. 19-34 be now read a first, second and third time and finally passed.

- Motion Carried.

14.2 By-law No. 19-35 – Speed Zone Amendment

BEING a By-law to Amend the Schedule to By-law No. 17-11 Being a By-law to Authorize Speed Limits

Moved by: Councillor Giguère
Seconded by: Councillor Martyn

Resolved that By-law No. 19-35 be now read a first, second and third time and finally passed.

- Motion Carried.

14.3 By-law No. 19-36 – Community Safety Zone Amendment

BEING a By-law to Amend By-law No. 17-12 Designating Community Safety Zones on County Roads.

Moved by: Councillor Mennill
Seconded by: Councillor Marks

Resolved that By-law No. 19-36 be now read a first, second and third time and finally passed.

- Motion Carried.

14.4 **By-law No. 19-37 – 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 September 24, 2019 Meeting.

Moved by: Councillor Purcell
Seconded by: Councillor Ketchabaw

Resolved that By-law No. 19-37 be now read a first, second and third time and finally passed.

- Motion Carried.

15. ADJOURNMENT

Moved by: Councillor Marks
Seconded by: Councillor Martyn

Resolved that we do now adjourn at 12:56 p.m. to meet again on October 8, 2019 at the County Administration Building Council Chambers at 9:00 a.m.

- Motion Carried.

Julie Gonyou,
Chief Administrative Officer.

Duncan McPhail,
Warden.