

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

FIRST MEETING

MINUTES

JANUARY 8 2013

A meeting of the Council of the Township of Enniskillen was held on Tuesday January 8<sup>th</sup> 2013 at 7:15 pm at the Enniskillen Council Chambers.

Present: Kevin Marriott, John Phair, Mary Lynne McCallum, Kathy O'Hara Wilson and Christine Greydanus

Mayor Marriott chaired the meeting.

A. Minutes

Moved by Councillor Phair

Seconded by Councillor McCallum

That the minutes of the meeting of December 18 2012 be adopted as circulated.  
Carried.

B. Interviews

Roads: Gravel Tenders January 21-13 at 1:00pm

The Clerk noted that the gravel tenders would be opened on January 21 2013.

Water:

Drainage:

1. Drain Maintenance Request- C McGregor- Brandon Anderson Drain

The Clerk noted that the tile drain would need to be replaced to provide adequate outlet for private tile drains within the water shed. A site meeting would be required.

Moved by Councillor Greydanus

Seconded by Councillor Phair

That a site meeting be held on the Brandon Anderson Drain with Councillor O'Hara Wilson acting as Council representative.

Carried.

D. Correspondence for information

1. MPAC Assessment of Common Land within Residential communities

2. Municipal Risk Services Ltd. Reining in your cost of risk

Moved by Councillor Greydanus

Seconded by Councillor O'Hara Wilson

That Councillor McCallum be authorized to attend the seminar provided by Municipal Risk Services Ltd.

Carried.

3. Federation of Canadian Municipalities communique Dec 10-12
4. AMO-
  1. Additional Funding for Municipal Infrastructure Available
  2. AODA Accessibility Standards –Design for public spaces in the built environment
  3. New child care funding framework
5. County of Lambton
  1. County fundraising Cookbook benefits local food bank
  2. Proposed Building Service Fee Rates 2013
6. St Clair Conservation- Conservation Ontario watershed Management Futures for Ontario
7. Ministry of Finance 2013 Education Tax Rates

Moved by Councillor McCallum

Seconded by Councillor Phair

That correspondence items 1, 3-7 be received and filed.

Carried.

E. Correspondence requiring motions

1. Resolution Twp. of Elizabethtown-Kitley OPP costs

Moved by Councillor Greydanus

Seconded by Councillor McCallum

That the resolution from the Township of Elizabethtown-Kitley concerning OPP cost be supported.

Carried.

2. Resolution authorizing Expression of Interest for the Municipal Infrastructure Investment Initiative Capital Program-

Moved by Councillor McCallum

Seconded by Councillor O'Hara Wilson

That the Council of the Township of Enniskillen authorize the submission of an expression of interest to the Municipal Infrastructure Investment Initiative Capital Program;

That the Council of the Township of Enniskillen authorize the development of a comprehensive asset management plan which included all of the information and analysis described in Building Together: Guide for Municipal Asset Management Plans by December 31 2013.

Carried.

F. Public Meeting- Official Plan Amendment 7:30 pm

1. OPA amendment

2. Rob Nesbitt-County of Lambton
3. Patricia Hayman- St Clair Region Conservation Authority

Moved by Councillor O'Hara Wilson

Seconded by Councillor Phair

That the Council open the public meeting concerning the Official Plan Amendment application from BPS Ventures Inc.

Carried.

Present: Peter Zantingh, Brad Zantingh and David McMahan

Rob Nesbitt provided an overview of the application to amend the Official Plan submitted by BPS Ventures Inc. He noted that the Committee of Adjustment had denied severance application B004/11 submitted by BPS Ventures Inc. to create a residential lot from the farm property. The Committee of Adjustment had rejected the application as a 3.7 acre residential lot had been previously created from the farm property in 1973.

Mr. Nesbitt noted that the application to amend the Township Official Plan was site specific with the purpose of creating policy to permit the creation of a second residential lot from the farm property.

Mr. Nesbitt noted that the applicant's correspondence had suggested that the Township policy restricting a second residential lot applied to the infilling policy.

Mr. Nesbitt confirmed that the infilling policy was not supported by provincial policy and was not used by the Township of Enniskillen in approving severance applications. Mr. Nesbitt noted that the infilling policy would be removed during the next formal review of the Township of Enniskillen Official Plan.

Mr. Nesbitt noted that there had been an inclusion of the word "and" in the severance policy for infilling which appeared to be a typographic error.

Mr. Nesbitt noted that the Provincial Policy statements provided the authority to municipalities to apply stricter policy provisions in regards to land severances. He noted that the Township official Plan was the same wording as the County Official Plan except for the inclusion of the more restrictive policy of only permitting one residential severance per farm property as it existed on January 1 1971.

Mr. Nesbitt recommended to the Council that the proposed amendment not be supported. He noted that if Council supported the proposed change in policy direction that an amendment be incorporated into the Official Plan that affected all properties rather than affecting only one property.

Brad Zantingh spoke to the application on behalf of BPS Ventures Inc. He noted that his brother and sister were the other owners of the corporation. He noted that the three family members lived in Lambton County.

Mr. Zantingh noted that his lawyer Mr. Snider had responded to the staff report in a letter dated January 4<sup>th</sup> 2013. Mr. Zantingh noted that the letter had indicated that the planner had misunderstood the provincial policy statement concerning surplus dwelling units. From the letter Mr. Zantingh suggested that surplus dwelling units should not be considered as new residential units. Since the house already existed there would not be any additional negative impact on the farming community.

Mr. Zantingh noted that the severance of the surplus dwelling unit was consistent with giving agricultural uses the highest priority in the Rural Area.

Mr. Zantingh requested that Council support the proposed amendment to the Official Plan

David McMahon noted that he owned the property that had been severed from the farm parcel in 1973. He noted that his mother lived in the house that was the subject of the Official Plan amendment. He noted that she had a life lease for the house. He noted that he had no comment on the official plan amendment but wanted to be notified of any additional meetings associated with the severance affecting the residence on the farm property.

Rob Nesbitt questioned the applicants concerning proceeding with the Official Plan amendment rather than making a second severance application. He noted that if the Official Plan amendment was not approved and an appeal was made to the Ontario Municipal Board the severance application for the house and the rezoning of the retained farm would be outstanding. He noted that in the past the Ontario Municipal Board had taken the position that all related planning matters should be addressed at one hearing.

A letter was received from the St Clair Region Conservation Authority outlining the authority's interest in the flood plain of the Stonehouse Drain and the woodlot located on the retained farm property.

Mr. Nesbitt recommended to the Council that if they were interested in altering the severance policy for the Township that it should not be done on a piece meal basis but rather the Official Plan for the Township be amended to affect all rural properties.

Brad Zantingh noted that his lawyer in his letter of November 13 2012 on page 2-3 had recommended a site specific Official Plan amendment in that there was ambiguity in Section 1.11 (d) of the Township official plan.

Mr. Zantingh noted that he would be able to provide his lawyer to be present at a future meeting if Council was interested in his presentation.

Mr. Zantingh in referring to page 3 of the January 4 2013 letter from his lawyer noted that the planning report failed to provided justification for having an Official Plan

policy that was more restrictive than the provincial policy statement concerning more than one residential severance per farm lot.

Councillor Phair noted that he had concerns about approving a site specific amendment due to the implications on other properties in the Township.

Councillor Greydanus noted that the Provincial Policy Statements were currently under reviewed.

Rob Nesbitt noted that there were no changes to the policy statements that would affect the proposed Official Plan amendment.

Mayor Marriott noted that there had been 45 minutes provided for input on the application.

A discussion took place concerning whether additional time was required to reviewed the information submitted to the Council.

Moved by Councillor McCallum

Seconded by Councillor O'Hara Wilson

That Council of the Township of Enniskillen not proceed to approve Official Amendment # 3.

Carried.

#### G. Accounts

Moved by Councillor O'Hara Wilson

Seconded by Councillor Greydanus

That the accounts be paid as circulated:

Cheque: 5468-5474: \$66,647.16

Cheque: 5475-5480: \$36,345.56

Cheque: 5481-5509- \$56,945.61

Carried.

#### H. Bylaws

1. Bylaw 1 of 2013 O'Dell Park Drain
2. Bylaw 2 of 2013 McMaster Drain
3. Bylaw 3 of 2013 Kesson Drain
4. Bylaw 4 of 2013 Drain Rating Bylaw
5. Bylaw 5 of 2013 Bylaw to authorize the Community Infrastructure Improvement Fund Contribution Agreement
6. Bylaw 6 of 2013 A Bylaw to rescind the Wyoming Fire Department Agreement
7. Bylaw 7 of 2013 A Confirmation Bylaw
8. Bylaw 8 of 2013 Howlett Lane Collection Bylaw
9. Bylaw 9 of 2013 Borrowing Bylaw
10. Bylaw 10 of 2013 Oil City Cemetery Bylaw

The Clerk noted that Bylaw 5 of 2013 authorized the agreement for funding to assist in the replacement of the ball diamond lights at Krall Park. It was noted that the grant provided financial support for 34 % of the cost up to \$25,000.

The total cost was estimated to be from \$55,000 to \$70,000.

A meeting had been held with Lawrence Zavitz to discuss the design of the new lights. Mr. Zavitz would prepare drawings and specifications to obtain competitive pricing for the project.

Moved by Councillor O'Hara Wilson

Seconded by Councillor Greydanus

That Lawrence Zavitz be authorized to prepare drawings and specifications for a tender documents to install new ball field lighting at Krall Park.

Carried.

Moved by Councillor Greydanus

Seconded by Councillor O'Hara Wilson

That first and second reading be given to Bylaw 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of 2013.

Carried.

Moved by Councillor McCallum

Seconded by Councillor Phair

That third and final reading be given to Bylaw 1-10 of 2013.

Carried.

Larry Smale, Mr & Mrs. Kevin Smale and Glen Annett were present concerning a bill issued by the Township for the installation of head walls on a bridge for a one acre lot owned by Kevin Smale on the 6 Concession Drain.

Larry Smale noted that his son had received an estimate for the construction of headwalls for the bridge at \$3,600 to \$4,000. Larry Smale noted that the invoice for the work was received at \$7,469.13.

Larry Smale noted that the work would not have been undertaken if the actual cost was known. Larry Smale could not understand how the cost of the work could have been so much higher. He noted that the Engineer Mr. Dobbin had met on the site to discuss the work.

Moved by Councillor O'Hara Wilson

Seconded by Councillor Greydanus

That the Engineer be requested to attend the next meeting to discuss the project.

Carried.

I. Other Business

1. Community Infrastructure Improvement Fund Agreement
2. Pat Davidson Celebrate Canada Funding

No action was taken on the Celebrate Canada application process.

3. Delegation Requests OGRA

A discussion took place in regards to meetings associated with the OGRA conference. The Clerk was instructed to try to arrange meetings with the leaders of the Opposition parties to discuss positions on the funding of the OPP and industrial wind turbines.

4. Inwood Fire Department Agreement

The Clerk confirmed that the one agreement for the Inwood Fire Department had been signed.

5. Memo re Municipal Infrastructure Investment Initiative

6. The Clerk reported that the insurance broker had indicated that a small increase would take place in regards to the environmental insurance and changes in the property valuations.

Moved by Councillor O'Hara Wilson

Seconded by Councillor Greydanus

That the Township of Enniskillen confirm the 2013 insurance program with Jardine Lloyd Thompson.

Carried.

- J. In camera meeting permitted by Section 239 (2) (b) personal matter about an identifiable individual to discuss property standards matters and employee compensation. 8:30 pm

Moved by Councillor Greydanus

Seconded by Councillor O'Hara Wilson

That the Council of the Township of Enniskillen move in camera as permitted under Section 239 (2) (b) to discuss a personal matter about an identifiable individual to discuss property standards matters and employee compensation.

Carried.

Moved by Councillor Greydanus

Seconded by Councillor McCallum

That the Council of the Township of Enniskillen move into an open meeting.

Carried.

Moved by Councillor O'Hara Wilson

Seconded by Councillor Phair

That an in camera meeting permitted by Section 239 (2) (b) of the Municipal Act be held on January 22 2013 to discuss a personal matter about an identifiable individual.

Carried.

K. Adjournment

Moved by Councillor Greydanus

Seconded by Councillor O'Hara Wilson

That the meeting be adjourned.

Carried.

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Mayor

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Clerk