TOWNSHIP OF SOUTH-WEST OXFORD
COUNCIL MINUTES
March 16, 2010

MEMBERS PRESENT: Mayor: James Hayes
Councillors: Ron Sackrider, D. Anne Vanhoucke
Gerry Mitchell, Jay Heaman, George Klosler

MEMBERS ABSENT: Councillor David Mayberry

STAFF PRESENT: Mary Ellen Greb, Clerk-Treasurer/CAO
Dianne Harnett, Deputy Clerk

MEETING CALLED TO ORDER
The meeting was called to order at 7:04 p.m. by Mayor James Hayes.

APPROVAL OF AGENDA
C.A.O. Greb noted the following:
• Court of Revision meeting should be removed from the agenda as it was placed there in error.
• Minutes of the March 2 meeting will be circulated with the April 6 agenda for approval (delay is due to C.A.O. needing more time to review the minutes).

Resolution No. 1 Moved by George Klosler
Seconded by D. Anne Vanhoucke
RESOLVED that the agenda for the March 16, 2010 meeting of Council be approved.

DISPOSITION: Motion Carried

DECLARATION OF PECUNIARY INTEREST
None declared.

DELEGATION – Plaque Presentation
Mayor Hayes presents a plaque to former Revenue Officer Denis Duguay for his 5 years of service to the Township and wishes him well in his new position as Treasurer of the Township of Bayham. Denis thanks the Mayor and Council for the opportunity given to him.

Individual members of Council thanked Denis for his service and wished him well in his new position.

STAFF REPORTS
BILL FREEMAN/WORKS DEPARTMENT REPORT NO. 6-2010
1. Street Sweeping
Mr. Freeman recommends that Council approve the low bid of $80.00/hour for Chad Yates Asphalt Maintenance. The street sweeping will commence in mid-April.
2. **Dust Suppressant Tender (Salt Brine)**
Mr. Freeman recommends that Council approve the low bid of $0.0675 per litre from Pollard Highway Products. He noted that the price per unit did not increase this year and estimated the total cost of application at $80,000.00.

3. **Work Department Activities**
Sign repairs, cold patching, and winter maintenance of roads, road side brushing, hydraulic repairs to #19 grader, gravel resurfacing and grading of roads.

Council inquired as to the condition of the roads following such a mild winter. Mr. Freeman commented that while there was less snow there was more frost in the roads.

Resolution No. 2  Moved by Ron Sackrider  
Seconded by Gerry Mitchell

RESOLVED that the Works Superintendent’s Report No. W.D. 06-2010 be approved.

DISPOSITION: Motion Carried

**ADJOURN FOR A PUBLIC MEETING FOR A ZONE CHANGE APPLICATION, KLOEPFER HOLDINGS LTD. & WILLIAM KLOEPFER, R.R.#5, PART LOTS 15 AND 16, CON. 4/ZON 4-09-8**

Resolution No. 3  Moved by Gerry Mitchell  
Seconded by Ron Sackrider

RESOLVED that Council adjourn in order that a Public Meeting may be held for a zone change application.

DISPOSITION: Motion Carried

**PUBLIC MEETING FOR A ZONE CHANGE APPLICATION, KLOEPFER HOLDINGS INC. & WILLIAM KLOEPFER, R.R.#5, PART LOTS 15 AND 16, CON. 4 / ZON 4-09-8**
The purpose of the public meeting is to deal with Zone Change Application No. ZON 4-09-8. The application is required due to a Consent Application that is currently before the County of Oxford Land Division Committee.

The property owner’s son Darrell Kloepfer and Solicitor Gord Klein were present in support of the application.

Also present were:  
Melissa Sherran, Planner, Community and Strategic Planning, County of Oxford  
Dwayne Daniel, Chief Building Official, Township of South-West Oxford

Others present were:  
Dwayne Kloepfer, Daniel Kloepfer (sons of applicant)  
Bill Wilford, Salford area resident  
Peg Andrews, Brownsville resident
Melissa Sherran gave the Planning Report which favoured in principle the zone change application submitted by Kloepfer Holdings Ltd. and William Kloepfer. The report explained the subject property is currently zoned “General Agricultural (A2)” in the Township of South-West Oxford Zoning By-Law No. 25-98. The application proposes to rezone the retained lot potentially resulting from consent application B-54/09 to “Rural Residential (RR)”. The RR zone requires a minimum lot area of 2,800 m$^2$ (30,140 ft$^2$), a minimum lot frontage of 35 m (114.8 ft) and a minimum lot depth of 80 m (262.5 ft).

Additionally, the maximum lot coverage for an accessory structure in residential zones is 10% of the lot area or 100 m$^2$ (1076.4 ft$^2$) of gross floor area, whichever is the lesser. The maximum height for an accessory structure in a residential zone is 5.0 m (16.4 ft). The existing structure is 178.4 m$^2$ (1,920.3 ft$^2$) in area and 5.3 m (17.3 ft) in height. The agency review noted that the Chief Building Official indicated no objection to the consent or zone change; however, noted the existing drive shed exceeds the maximum lot coverage for an accessory structure as well as the maximum height for an accessory structure on the proposed rural residential lot.

Planner Sherron noted that Drainage Superintendent Wray Ramsay had indicated that four municipal drains are on the property and that drainage assessment reapportionment will be required. The Upper Thames River Conservation Authority had no objection to the application but a permit from the UTRCA will be required prior to obtaining approval from the Building Official, if development or site alteration is proposed within the Regulation Limit.

No comments or concerns were received from other agencies or the public at the time of printing of the County report dated March 16, 2010. Melissa noted that Appendix A is included in the report providing a summary of provisions for accessory structures for Townships within Oxford County and surrounding municipalities.

It was recommended that Council authorize staff to revise provisions for accessory structures for the “Rural Residential (RR)” and “Residential Existing (RE)” zones applied to lots located outside settlement areas to allow accessory structures of a larger scale as part of the next housekeeping amendment to the Township’s Zoning By-Law 25-98.

No one else spoke in favour or opposition to the application.

The Chair declared the Public Meeting concluded at 7:32 p.m.

The Council meeting was resumed.

Resolution No. 4 Moved by Ron Sackrider
Seconded by Gerry Mitchell

RESOLVED that the application for zone change re: Kloepfer Holdings Ltd. and William Kloepfer, R.R. #5, Part Lots 15 & 16, Con. 4 be approved in principle.

DISPOSITION: Motion Carried
RESOLVED that Council adjourn in order that a Public Meeting may be held for a zone change application.

DISPOSITION: Motion Carried

The purpose of the public meeting is to deal with Zone Change Application No. ZON 4-09-8. The application follows the Consent Application heard by the County of Oxford Land Division Committee. Applicant Planner Liz Ottaway noted that the Consent Application was denied and will be appealed to the Ontario Municipal Board.

Property owners David Lucas and Holly Heard-Lucas, Agent Elizabeth Ottaway, and neighbours Bob McLean and Dawne Fewster were present in support of the application.

Also present were:
Melissa Sherran, Planner, Community and Strategic Planning, County of Oxford
Dwayne Daniel, Chief Building Official, Township of South-West Oxford

Others present were:
Peg Andrews, Brownsville resident
Bill Wilford, Salford area resident

Melissa Sherran gave the planning report explaining the application for zone change from General Agricultural (A2) to the requested zoning:
1. for the proposed severed lot: Development (D); and
2. for the proposed Lot to be retained: Limited Agricultural (A1).

The report noted that the subject property has an extensive history of applications for consent to sever and associated zone changes. Several applications have been submitted to create new non-farm residential lots along the northerly portion of the subject lands. These applications were granted, however, some have lapsed. She reviewed subsequent applications for consent that had been dealt with by the Oxford County Land Division Committee.

At the March 4, 2010 meeting of the Oxford County Land Division Committee, the Committee denied application B-57/09 for the following reasons:

1. The creation of a lot for future residential development in the Village of Mount Elgin should proceed via a draft plan of subdivision in order that a more thorough review can resolve all of the development issues and servicing requirements.
2. The lot to be severed and the lot to be retained are not appropriately zoned for the intended development.
Ms. Sherran’s report states while the zoning could be considered independently of the consent application, the two applications have been analyzed together and found to be premature in the absence of a draft plan of subdivision on the lot to be severed; therefore the County Planning office feels this application is premature.

The Provincial Policy Statement (P.P.S.) provides policy direction on matters of provincial interest related to land use planning and development. The policy of Section 1.6 – Infrastructure and Public Service Facilities requires services to be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs. More specifically, section 1.6.4.1 of the P.P.S. provides direction on planning for sewage and water services and allows lot creation in accordance with the hierarchy of services, only if there is sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services.

The Ministry of Transportation comments state that this application is premature without a plan of subdivision and doesn’t comply with the Official Plan.

Elizabeth Ottaway, Agent for David & Holly Lucas: Ms. Ottaway understands the necessity for a plan of subdivision addressing all issues on servicing, land use etc. There are two existing development zones in the Village currently underway; one being the school on the east side of Hwy. 19. There are issues of servicing, infrastructure access, and a developer will have to do extensive studies, which are expensive and time consuming. It could take two to three years from start to finish. A developer will not undertake such a risk under the current conditions.

Ms. Ottaway reviewed the zoning request noting that a special zone (Development D) for the severed parcel and a zone change to Limited Agriculture A1 for the retained parcel, would be more appropriate. These lands should have a restricted limitation posed on it so no intensive livestock issues will arise. While the Lucas’ do not have intentions for livestock, future owners may.

Ms. Ottaway comments that four people are interested in development of the property in question, and all have failed, because they didn’t want to go through this process. With the draft by-law that Ms. Ottaway has included she feels the Township will still have full control. She requests Council to pass the zoning by-law so that it can proceed without consent being approved at this time. She explains that there could be access on north side of barn and it could be reasonably planned, however a traffic study would need to take place to confirm this.

Holly Heard-Lucas – When we bought the property we only wanted the house and it was supposed to be severed by applicants, which is what the County is referring to. The process was never completed. We don’t wish to become developers, as we don’t have the financial backing. We would like to stay in Mt. Elgin & retain our farm house.

Melissa Sherran – Portion of property they want to sever is in the portion of the village lining up with neighbouring D zone. There is the D zone to west and its part of a larger plan of subdivision and intended to be developed. D1 on Plank line has gone through rigorous planning – with an Official Plan Amendment and Zone Change.
CAO Greb – Informs Council that the Draft By-law submitted by Ms. Ottaway is under New Business.

Bob McLean – Explains that he owns property adjacent to Graydon subdivision. Mr. McLean would like to know what constitutes an undersized farm property. Melissa Sherran explains that anything under 75 acres is undersized. Mr. McLean explains the history of his property purchase in 1995. After he purchased his property it was changed and made into two properties with all of it being outside of the Village. His home fronts on Mount Elgin Road between two homes that are within the Village limits. He noted that the portion of the Lucas property proposed for severance is inside the Village. The zone change is prudent he comments as the Graydon Subdivision has only one egress. Mr. McLean is concerned that the requirements of the plan of subdivision for the Graydon development are not being met... especially in regards to drainage and fencing. He notes that the proposed severance and rezoning makes sense.

Dawne Fewster – Explains she was at the meeting for this application at the County Land Division. Ms. Fewster comments that history for the property is not relevant. She noted that previous plans of subdivision have been amended (i.e. Graydon subdivision) by the developer. The County has planned for sewers for Mount Elgin and noted that the development of these lands would have been taken into consideration. She noted that a plan of subdivision should not be required at this time.

Correspondence
Item #126 from Brian Graydon, President of B&B Graydon Enterprises requests a copy of the comments and the decision regarding ZON 4-09-9. His company owns the property to the west and he is interested in knowing how roadway access as well as water and sewer servicing will be implemented. He also requested information regarding the type of development to be placed on the property and the size and number of buildings.

No one else spoke in favour or opposition to the application.

The Chair declared the Public Meeting concluded at 8:10 p.m.

The Council meeting was resumed.

Resolution No. 6 Moved by George Klosler
Seconded by Ron Sackrider

RESOLVED that the application for zone change re: Holly & David Lucas, 333187 Plank Line, Part Lot 10, Con. 5 (Dereham) be approved in principle.

DISPOSITION: Motion Carried

LEGAL AND PERSONNEL (CLOSED SESSION)
Council closed the meeting to discuss the conditions of negotiations for a parcel of land owed by the Thames Valley District School Board (former Sweaburg School). Real Estate Broker Richard Wood was present for the discussion.
Resolution No. 7  Moved by Jay Heaman
Seconded by George Klosler

RESOLVED that Council hold a closed meeting in order to address a matter pertaining to:

- Security of the property of the municipality or local board.

DISPOSITION:  Motion Carried

Council went into Committee of the Whole “in camera” at 8:30 p.m. and reconvened “in public” at 9:08 p.m.

STAFF REPORTS

DWAYNE DANIEL, CHIEF BUILDING OFFICIAL REPORT NO. B.D. NO. 05-2010

Brownsville Community Service Building / Progress Report

- The roof system is fully complete with the exception of the metal flashing.
- Storage tanks all plumbed in and backfilled.
- Face block and exterior siding has been finalized. Face block charcoal grey with cedar engineered siding.
- All of the colours for the flooring have been selected and ordered except for the main community hall as Council’s input is needed.
- Tower will be moved to the new Fire Hall. John Moore, County IT is oversee the COIN system moving off the old Library tower and reinstalling it on the new tower.
- The Fire Hall training and office area has the drywall on the ceiling and the interior block walls are being erected.

Street Lighting in Brownsville – Mr. Daniel consulted Bill Freeman, Roads Superintendent as pole lighting is under Work’s Department jurisdiction. Mr. Freeman commented that all the villages have various amounts of lighting. He has consulted other municipalities and none of them have any set requirements for the amount of lighting that is needed. Mr. Daniels has found that there are no set guidelines of lighting requirements needed. The MTO has some guidelines but nothing really is enforceable.

Pool Fencing – Safe Kids Canada

Mr. Daniels explains that the enclosed letter in Council packages state many drowning are prevented with four sided fencing and a self closing gate seem to drastically reduce these number of fatalities in communities.

Council questions whether the fencing by-law relating to pools requires revision and asked if other area municipalities are updating their pool fencing by-laws.

CAO Greb explains that there has been a delay in reviewing the by-law as input from the By-Law Enforcement Officer is important. She noted that the review would proceed and suggested that staff call other municipalities and find out what they are doing for fencing by-laws concerning pools. She informs Council it is a complicated issue as there are many that follow the 3-sided fencing rule using their houses and decks as one side of the enclosure of the pool. It may be difficult to get home owners to adhere to new regulations require 4-sided fencing rules and more investigation needs to be done on this issue.
Resolution No. 8  Moved by Ron Sackrider  
Seconded by Gerry Mitchell  

RESOLVED that the Chief Building Official’s Report No. B.D. 05-2010 be received.  

DISPOSITION: Motion Carried  

C.A.O. MARY ELLEN GREB / COUNCIL REPORT NO. 03-2010  
Joint Meeting with Rural Townships to Discuss Joint Economic Development Opportunities  
The report is submitted to Council to establish a date, venue and format for a joint meeting with the rural Townships in Oxford County to discuss economic development. Based on full attendance of each Council with C.A.O. a total of 34 people may be attending in addition to any guest speakers. CAO Greb has the Salford Community Hall booked as that is a good location for all coming from all directions.  

Resolution No. 9  Moved by Ron Sackrider  
Seconded by Gerry Mitchell  

RESOLVED that the Chief Administrative Officer’s Report No. C.A.O. 03-2010 be approved.  

DISPOSITION: Motion Carried  

C.A.O. MARY ELLEN GREB / COUNCIL REPORT NO. 04-2010  
Special Council Budget Meeting  
CAO Greb recommends that Council set Tuesday, March 30, 2010 at 7:00 p.m. for the presentation of the 2010 preliminary Township Budget.  

Resolution No. 10  Moved by Gerry Mitchell  
Seconded by Ron Sackrider  

RESOLVED that the Chief Administrative Officer’s Report No. C.A.O. 04-2010 be approved.  

DISPOSITION: Motion Carried  

C.A.O. MARY ELLEN GREB / COUNCIL REPORT NO. 05-2010  
Revenue Officer Job Description and Salary Grid – Re-establishing IT Support  
CAO Greb recommends amending the Revenue Officer’s job description and salary grid to more objectively reflect the position. Also, a requirement to outsource the IT function is needed.  

Resolution No. 11  Moved by Gerry Mitchell  
Seconded by Ron Sackrider  

RESOLVED that the Chief Administrative Officer’s Report No. C.A.O. 05-2010 be approved.  
DISPOSITION: Motion Carried
C.A.O. MARY ELLEN GREB / COUNCIL REPORT NO. 06-2010

Revenue Officer Interview and Hiring

CAO Greb recommends that the Deputy Treasurer and Clerk-Treasurer/CAO conduct interviews and hire the new Revenue Officer for the Township of South-West Oxford.

Resolution No. 12
Moved by Gerry Mitchell
Seconded by Ron Sackrider

RESOLVED that the Chief Administrative Officer’s Report No. C.A.O. 06-2010 be approved.

DISPOSITION: Motion Carried

APPOINTMENT TO COURT OF REVISION-MUNICIPALITY OF BAYHAM TOWNSHIP

Resolution No. 13
Moved by Ron Sackrider
Seconded by Gerry Mitchell

RESOLVED that the following Councillor be appointed as a member of the Court of Revision for the Smith Drain Branch No. 7 in the Municipality of Bayham Township: D. Anne Vanhoucke.

DISPOSITION: Motion Carried

Diane Larder, Deputy Treasurer’s Report No. 01-2010

Mrs. Larder provided Council a financial report on the costs of the Brownsville Community Center project costs that have been spent as of March 1, 2010:

Total Budget Cost is: $1,685,120.00
Total Expenditures as of March 1, 2010: (550,380.58)
Total Expenses to still be processed: $1,134,739.42

Revenue
Community Adjustment Fund: $1,042,209.00
Municipal Contribution: 642,911.00
Total Revenue is: $1,685,120.00

Note:
1. The next certificate payment will be issued during the 2nd week of April, 2010.
2. Change Orders total $13,469.05 to date
3. Tower removal and installation – approx. $5900

Resolution No. 14
Moved by George Klosler
Seconded by D. Anne Vanhoucke

RESOLVED that the Deputy Treasurer’s Report No. D.T. 01-2010 be accepted.

DISPOSITION: Motion Carried
AGENDA ITEMS CORRESPONDENCE

#104 - Municipality of West Perth’s request for support concerning the increased operating & capital costs of the Conservation Authorities.
Resolution No. 15  Moved by George Klosler
Seconded by D. Anne Vanhoucke

RESOLVED that the resolution from the Municipality of West Perth urging support in their request that staff issue correspondence to the Ministry of Natural Resources, Ministry of Municipal Affairs and Housing, MPP Wilkinson and all member municipalities of the Upper Thames River Conservation Authority stating the Municipality of West Perth’s objections and concerns regarding the increased operating and capital costs of the Conservation Authorities be supported.

DISPOSITION:  Motion Carried

#100 – Corporation of the County of Huron – Resolution supporting the Ontario Agriculture Sustainability Coalition
Resolution No. 16  Moved by George Klosler
Seconded by D. Anne Vanhoucke

RESOLVED that the Resolution from the Corporation of the County of Huron urging support in their request that the Ontario Agriculture Sustainability Coalition request a meeting with Huron-Bruce MPP Carol Mitchell at the ROMA/OGRA conference to support the OASC lobbying for immediate adjustments to the Agri-Sustainability program be noted and filed.

DISPOSITION:  Motion Carried

ACCOUNTS PAYABLE

Resolution No. 17  Moved by D. Anne Vanhoucke
Seconded by George Klosler

RESOLVED that the following Accounts be approved for payment:
Council Report dated March 16, 2010 $1,134,188.65
GST Recoverable $2,505.87
Bi-Weekly Payroll #5-2010 $33,577.32
Council Feb 2010 remuneration $6,112.72
TOTAL $1,176,384.56

DISPOSITION:  Motion Carried

INFORMATION CORRESPONDENCE ITEMS

Resolution No. 18  Moved by Jay Heaman
Seconded by D. Anne Vanhoucke

RESOLVED that the following Correspondence be noted and filed:
#94, #97, #103, #107, #113.

DISPOSITION:  Motion Carried
CLOSED SESSION
Council went into closed session to conduct a probationary job review of C.A.O. Greb.

Resolution No. 19  Moved by Gerry Mitchell
Seconded by Ron Sackrider

RESOLVED that Council hold a closed meeting in order to address a matter pertaining to:

- Personal matters about an identifiable individual, including municipal or local board employees.

DISPOSITION: Motion Carried

Council went into Committee of the Whole “in camera” at 10:15 p.m. and reconvened “in public” at 10:45 p.m.

Verbal New Business
CAO Greb will contact Zorra Township for input into By-Law Enforcement duties to be filled while the By-Law Enforcement Officer is away.

Councillor Mitchell informed staff about a dog complaint in Beachville and will provide the information to staff so that it can be followed up.

CAO Greb will follow up with Mr. Sawadaski concerning the next steps i.e. County Board of Health requirements concerning the allocation of Township property for his septic system.

ADJOURNMENT
Resolution No. 20  Moved by Jay Heaman
Seconded by D. Anne Vanhoucke

RESOLVED that there being no further business Council adjourns at 10:45 p.m. to meet again on April 6 2010, commencing at 9:00 a.m.

DISPOSITION: Motion Carried

These minutes were adopted by Council on the 6th day of April, 2010.

______________________________  _____________________
MAYOR:  James Hayes    CLERK:  Mary Ellen Greb