

TOWNSHIP OF SOUTH-WEST OXFORD  
COUNCIL MINUTES

November 1<sup>st</sup>, 2005

MEMBERS PRESENT: Mayor James Hayes  
Councillors: D. Anne Vanhoucke, Ron Sackrider,  
Jay Heaman (arrived 9:55 a.m.), George Klosler,  
David Mayberry, Gerry Mitchell

MEMBERS ABSENT: None

STAFF PRESENT: Allen Forrester, Clerk-Treasurer Administrator

MEETING WAS CALLED TO ORDER

The meeting was called to order at 9:00 a.m. by Mayor James Hayes.

APPROVAL OF AGENDA

Resolution No. 1 –

Moved by Gerald Mitchell  
Seconded by George Klosler

RESOLVED that the agenda for the November 1<sup>st</sup>, 2005, meeting of Council be approved.

DISPOSITION: Motion Carried.

MINUTES:

Resolution No. 2-

Moved by Gerald Mitchell  
Seconded by George Klosler

RESOLVED that the minutes of the October 18, 2005, meeting of Council be adopted.

DISPOSITION: Motion Carried.

Resolution No. 3 -

Moved by David Mayberry  
Seconded by D. Anne Vanhoucke

RESOLVED that the minutes of the October 8, 2005, meeting of the Committee of Adjustment be received.

DISPOSITION: Motion Carried

DECLARATION OF PECUNIARY INTEREST

Councillor Gerald Mitchell declared a conflict of interest with regard to the Delegation from Spring Lake Recreational Vehicle Park.

STAFF REPORTS:

Work's Department

Work's Superintendent Bill Freeman gave his report numbered W.D. 23-2005.

Resolution No. 4 -

Moved by David Mayberry  
Seconded by George Klosler

RESOLVED that the Works Superintendent's Report No. W.D. 23-2005 be accepted

DISPOSITION: Motion Carried.

Building Department

Chief Building Official Geno Vanhaelewyn gave his report numbered B.D. 23-2005.

Resolution No. 5 –

Moved by Gerald Mitchell  
Seconded by George Klosler

RESOLVED that the C.B.O.'s Report No. B.D. 23-2005 be accepted.

DISPOSITION: Motion Carried

Drainage Department

Wray Ramsay gave his report numbered D.D. 12A-2005

Resolution No.6 –

Moved by Gerald Mitchell  
Seconded by George Klosler

RESOLVED that the Drainage Superintendent's Report D.D. 12A-2005 be accepted.

DISPOSITION: Motion Carried

ONTARIO PROVINCIAL POLICE (OPP) QUARTERLY REPORT

Sergeant John Rutkauskas reviewed the OPP report on policing in South-West Oxford for the 3<sup>rd</sup> Quarter of 2005.

Councillor Jay Heaman joined the meeting at 9:55 a.m.

Resolution No. 7 –

Moved by D. Anne Vanhoucke  
Seconded by Ron Sackrider

RESOLVED that the Ontario Provincial Police, Oxford Detachment, 2005 – 3<sup>rd</sup> Quarter Report be received.

DISPOSITION: Motion Carried

ADJOURN FOR PUBLIC MEETING FOR ZONE CHANGE APPLICATION

Resolution No. 8 –

Moved by Gerald Mitchell  
Seconded by George Klosler

RESOLVED that Council adjourn in order that a Public Meeting for a Zone Change Application may be convened.

DISPOSITION: Motion Carried

PUBLIC MEETING FOR ZONE CHANGE APPLICATION ZON 4-05-13

APPLICANT: CHELE-MARK ENTERPRISES LTD.

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The following persons were present in support of the application:

Gord Fine of the law firm of White Coad LLP  
Mark Millard  
Charlie Eden

James Hill, Corporate Manager, Community and Strategic Planning, County of Oxford, gave the Planning Report for the application.

Gord Fine said that the applicant was proposing to use the current road access for the mini-warehousing business and remove existing garage.

Charlie Eden said that they would have a chain link security fence around the mini-warehouse with electronic surveillance and they didn't anticipate problems.

Gail Evraire said that she had had a storage unit in Woodstock and it had been broken into several times.

She expressed concerns about:

- traffic and large trucks
- lighting
- potential to attract thieves to the area.

Charlie Eden said that there would be dusk to dawn lights around the units. There are street lights on Dodge Line now.

Chief Building Official Geno Vanhaelewyn commented that some of those issues could be dealt with under Site Plan Control.

Mr. Vanhaelewyn asked what was intended for fire protection. This would have to be addressed as a building permit requirement.

Charlie Eden responded that that hadn't been looked into. There is an existing well that could be used to supply a cistern.

Mr. Eden said the units would be 10 ft. by 10 ft. in size or, by removing a divider, 10 ft. by 20 ft.

Dorothy Garfat asked what would be stored in the units? Would there be anything that could leak into the creek?

Charlie Eden replied that it would be residential items mostly, such as lawn chairs and barbeques. There will be restrictions in the contracts as to what can be stored there. They didn't want anything stored there that would cause environmental concerns.

There will be someone at the office for the mini-warehouse at all times through the day.

In response to a question from Councillor Jay Heaman, James Hill said that he did not think a traffic study was justified. The County Public Works Department had not expressed concerns about this with regard to the County Road (Dodge Line). The proposed use is a permitted use in the Official Plan.

With a security fence in place he did not anticipate problems with the park. There would be additional traffic but not enough to concern the County Public Works Department.

The mini-warehouse would be in proximity to other non-residential uses.

The Township has had different types of non-residential uses in the villages, but this would be the first mini-warehouse use in the Township.

Gail Evraire said that she had concerns about:

- large trucks visiting the property, e.g. moving vans
- security, not just in the day time
- the time of the Public Meeting. It was scheduled during the day versus being held at night when she thought more people could attend.
- The notice of Public Meeting. The whole village should have been notified, not just those owning property within 400 feet of the subject property.
- We don't need it, why is it there?

Charlie Eden said that it was expected that the mini-warehousing would be all for personal residential use. There would be 108 units, mostly 10'x10' with some 5'x10' and some 10'x20' in size. It was proposed to have an outside area for storing boats and trailers.

The applicant had no objection to a site plan control agreement.

Mr. Eden said that the storage of large amounts of herbicides or pesticides in the units would not be allowed under the rental contracts. Also, the owner would be able to inspect the storage units and would police their use. The renter would have to be present when a unit was inspected.

James Hill commented that site plan control cannot deal with hours of operation. There is no empirical information about traffic, but no concerns about this had been raised by the County Engineer.

Normally for a public meeting for a zone change, owners of property 400 feet (120 metres) around the subject property are notified. Also, a sign is posted in front of the property giving information about the proposed zone change and the public meeting.

Geno Vanhaelewyn, Chief Building Official said that fire protection is not an issue because it would be required by the Building Code, whether it was provided from a municipal hydrant or from a cistern.

Chairman James Hayes declared the Public Meeting for Zone change Application No. ZON 4-05-13 of Chele-Mark Enterprises Ltd. concluded.

The Council Meeting was resumed.

Resolution No. 9 –

Moved by David Mayberry  
Seconded by Ron Sackrider

RESOLVED that the zoning application ZON 4-05-13 be approved provided that a Site Plan Control agreement is required to deal with aspects such as buffering and lighting, etc., and that the matter of controlling hours of operation be investigated by the Township.

DISPOSITION: Motion Carried

DELEGATION

Jim McGee and Russell Piper spoke to Council on behalf of the Ontario Federation of Anglers and Hunters in support of their proposal to allow gun hunting on Sundays.

Previous correspondence on this subject had been considered at the August 2, 2005 meeting of Council and a resolution passed (Resolution No.11) to note and file it.

Council did not change its position on the matter.

CORRESPONDENCE ITEM NO. 884 FROM TOWN OF TECUMSEH  
RE: PASSPORTS

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Resolution No. 10 –

Moved by David Mayberry  
Seconded by D. Anne Vanhoucke

RESOLVED that the resolution of the Town of Tecumseh with regard to extending the expiration of passports and maintaining the cost of acquiring passports be noted and filed.

DISPOSITION: Motion Carried

CORRESPONDENCE ITEM NO. 903 FROM INKY MARK MP  
RE: HIS PRIVATE MEMBER'S BILL C391, THE HERITAGE HUNTING AND FISHING  
PROTECTION ACT

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Resolution No.11 –

Moved by David Mayberry  
Seconded by George Klosler

RESOLVED that correspondence item No. 903 with regard to Private Member's Bill C391, the Heritage Hunting and Fishing Protection Act, be noted and filed.

DISPOSITION: Motion Carried

CORRESPONDENCE ITEM NO. 905 FROM ASSOCIATION OF MUNICIPALITIES OF  
ONTARIO  
RE: BILL 206, AN ACT TO REVISE THE ONTARIO MUNICIPAL EMPLOYEES  
RETIREMENT SYSTEM ACT

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Resolution No. 12 –

Moved by George Klosler  
Seconded by Gerald Mitchell

WHEREAS the provincial Standing Committee on General Government is currently debating Bill 206, *An Act to revise the Ontario Municipal Employees Retirement System Act*; and

WHEREAS the OMERS pension fund is currently equal to approximately 8% of Ontario's annual GDP; and

WHEREAS the OMERS pension fund serves approximately 900 employers and 355,000 diverse employee groups including: current and former employees of municipal governments; school boards; libraries; police and fire departments; children's aid societies; and electricity distribution companies; and

WHEREAS Ontario's municipalities and their employees depend on the prudent management of the \$36 Billion plan and to ensure that employees and employers are paying for benefits they can afford; and

WHEREAS OMERS employer and employee members are facing an increase in OMERS contributions in 2006 of approximately 9% as a result of a significant deficit in the OMERS fund; and

WHEREAS the Bill includes significant, potentially costly and unnecessary changes to the governance structure of OMERS including a Sponsors Corporation structured to be governed by arbitration; and

WHEREAS the Bill would permit the creation of expensive supplementary plans to provide optional enhanced benefits that will impose new collective bargaining obligations on municipalities, the operating costs of which cannot yet be fully assessed; and

WHEREAS the Province has a responsibility to study the potential impact of the changes it is proposing and to share the results with employers and employee groups; and

WHEREAS AMO and others have urged the Government to consider the potential implications of Bill 206 and to ensure the proposed policy changes protect the interests of employers, employees and taxpayers; and

WHEREAS the Government is moving in haste with a Bill, which in its current form raises significant technical, public policy and economic issues;

THEREFORE BE IT RESOLVED that South-West Oxford Township Council does not support Bill 206 and requests that the Government of Ontario reconsider the advisability of proceeding with Bill 206 in its current form; and

FURTHER BE IT RESOLVED that Ernie Hardeman, MPP Oxford, the Honourable John Gerretsen, Minister of Municipal Affairs and Housing, the Honourable Dalton McGuinty, Premier of Ontario and the Association of Municipalities of Ontario be advised that this Council does not support proposed changes to the OMERS pension fund contained in Bill 206.

DISPOSITION: Motion Carried

CORRESPONDENCE ITEM NO. 911 FROM TOWNSHIP OF COLEMAN  
RE: SALE OF NATURAL RESOURCES OUT OF PROVINCE

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Resolution No. 13 –

Moved by David Mayberry  
Seconded by George Klosler

RESOLVED that the resolution of the Township of Coleman with regard to natural resources (wood) being sold and directed to other provinces be noted and filed.

DISPOSITION: Motion Carried

BY-LAW ENFORCEMENT

By-Law Enforcement Officer Melissa Paton reported to Council.

Resolution No. 14 –

Moved by Gerald Mitchell  
Seconded by George Klosler

RESOLVED that the By-Law Enforcement Officer's Report be accepted.

DISPOSITION: Motion Carried

PRESENTATION OF RETIREMENT GIFT AND PLAQUE TO NORA KENNEDY

Mayor James Hayes and Allen Forrester, Clerk-Treasurer Administrator, presented a plaque and a gold watch and bracelet to Nora Kennedy as retirement gifts. She retired at the end of July after 37 years municipal employment, commencing in 1968 with the Township of Dereham and with the Township of South-West Oxford after the restructuring of Oxford County in 1975.

Councillor Jay Heaman left the meeting (12:00 p.m.)

ACCOUNTS

Resolution No. 15 –

Moved by D. Anne Vanhoucke  
 Seconded by Ron Sackrider

RESOLVED that the following Accounts be approved for payment:

Accounts Payable Council Report	\$	82,789.37
GST Recoverable (due back)	\$	3,303.48
Bi-Weekly Payroll #22	\$	26,021.03

<b>TOTAL</b>	<b>\$</b>	<b>112,113.88</b>
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DISPOSITION: Motion Carried

INFORMATION CORRESPONDENCE

Resolution No.16 –

Moved by Ron Sackrider  
 Seconded by D. Anne Vanhoucke

RESOLVED that correspondence numbered as follows be noted and filed.  
 #891, #894, #895, #896, #898, #899, #910, #912

DISPOSITION: Motion Carried

BY-LAW NO 46-2005

SUBJECT: TO AUTHORIZE THE EXECUTION OF A SEVERANCE AGREEMENT WITH  
 ANTHONY AND KATHARINA OOSTERMAN

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Resolution No. 17 –

Moved by D. Anne Vanhoucke  
 Seconded by Ron Sackrider

RESOLVED that the mover be granted leave to introduce a by-law to authorize the execution of a Severance Agreement between Anthony and Katharina Oosterman and the Township of South-West Oxford and this shall constitute the First and Second reading thereof.

DISPOSITION: Motion Carried

Resolution No. 18 –

Moved by D. Anne Vanhoucke  
 Seconded by Ron Sackrider

RESOLVED that the by-law to authorize the execution of a Severance Agreement between Anthony and Katharina Oosterman and the Township of South-West Oxford be now read a Third time and finally passed, signed, sealed and numbered 46-2005.

DISPOSITION: Motion Carried

BY-LAW NO. 47-2005

SUBJECT: TO RE-ZONE LAND OF CHELE-MARK ENTERPRISES LTD. IN PART LOT 5, CON. 4 (WEST OXFORD) FROM RESIDENTIAL TYPE 1 (R1) ZONE TO SPECIAL GENERAL INDUSTRIAL ZONE (MG-6)

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Resolution No. 19 –

Moved by D. George Klosler  
Seconded by David Mayberry

RESOLVED that the mover be granted leave to introduce a by-law to re-zone land of Chele-Mark Enterprises Ltd, in Part of Lot 5, Concession 4 (West Oxford) in the village of Sweaburg from Residential Type 1 Zone (R1) to Special General Industrial Zone (MG-6) and this shall constitute the First and Second reading thereof.

DISPOSITION: Motion Carried

Resolution No. 20

Moved by George Klosler  
Seconded by David Mayberry

RESOLVED that the by-law to re-zone land of Chele-Mark Enterprises Ltd. in Part of Lot 5, Concession 4 (West Oxford) in the village of Sweaburg from Residential Type 1 Zone (R1) to Special General Industrial Zone (MG-6) be now read a Third time and finally passed, signed, sealed and numbered 47-2005.

DISPOSITION: Motion Carried

BY-LAW NO. 48-2005

SUBJECT: TO AUTHORIZE THE EXECUTION OF A SEVERANCE AGREEMENT WITH SALFORD FARM MACHINERY LTD.

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Resolution No. 21 –

Moved by Ron Sackrider  
Seconded by D. Anne Vanhoucke

RESOLVED that the mover be granted leave to introduce a by-law to authorize the execution of a Severance Agreement between Salford Farm Machinery Limited and the Township of South-West Oxford and this shall constitute the First and Second reading thereof.

DISPOSITION: Motion Carried

Resolution No. 22 –

Moved by Ron Sackrider  
Seconded by D. Anne Vanhoucke

RESOLVED that the by-law to authorize the execution of a Severance Agreement between Salford Farm Machinery Limited and the Township of South-West Oxford be now read a Third time and finally passed, signed, sealed and numbered 48-2005.

DISPOSITION: Motion Carried

PROPOSED CHANGES TO SHAREHOLDERS' AGREEMENT WITH ERIE THAMES  
POWER

Resolution No. 23 –

Moved by D. Anne Vanhoucke  
Seconded by Ron Sackrider

RESOLVED that Council approve the proposed changes to the Shareholders' Agreement with Erie Thames Power as presented to Council on October 4<sup>th</sup>, 2005, by Jeff Pettit of Erie Thames Power.

DISPOSITION: Motion Carried

DELEGATION:

The following persons appeared before Council on behalf of Spring Lake Recreational Vehicle Park:

Barclay Clifford, Douglas Barker, P. Eng., Murray Borndahl of the law firm of Nesbitt, Coulter

CLOSED MEETING

Resolution No. 24 –

Moved by D. Anne Vanhoucke  
Seconded by Ron Sackrider

RESOLVED that Council hold a closed meeting in order to address a matter pertaining to: Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

DISPOSITION: Motion Carried

Council went into Committee of the Whole "in camera" at 1:26 p.m. and reconvened "in public" at 2:18 p.m.

HOUSE DRAIN

Wray Ramsay, Drainage Superintendent, reviewed with Council his report with regard to the House Drain.

He was authorized to arrange a meeting with affected landowners to discuss the report and options.

ADJOURNMENT

Resolution No. 25 –

Moved by D. Anne Vanhoucke  
Seconded by Ron Sackrider

RESOLVED that there being no further business Council adjourn at 2:45 p.m. to meet again on November 15<sup>th</sup>, 2005, commencing at 7:00 p.m.

DISPOSITION: Motion Carried

These minutes were adopted by Council on the 15<sup>th</sup>, day of November, 2005

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MAYOR: James Hayes

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CLERK: Allen Forrester