

**TOWNSHIP OF SOUTH-WEST OXFORD
COUNCIL MINUTES**

September 1, 2009

MEMBERS PRESENT: Councillors: George Klosler, David Mayberry,
Gerry Mitchell, Ron Sackrider,
D. Anne Vanhoucke

MEMBERS ABSENT: Mayor: Jim Hayes
Councillor: Jay Heaman

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

MEETING CALLED TO ORDER

The meeting was called to order at 9:03 a.m. by Mary Ellen Greb, CAO/Clerk-Treasurer

APPOINTMENT OF CHAIR

Resolution No. 1 Moved by Gerry Mitchell
Seconded by Ron Sackrider

RESOLVED that Councillor David Mayberry
be appointed to chair the Council Meeting as Acting
Mayor in the absence of Mayor James Hayes.

DISPOSITION: Motion Carried

RETIREMENT – PRESENTATION OF PLAQUES / WATCHES

Acting Mayor David Mayberry presented each of the Work's Department Equipment Operator's Ray Freeman (19 years) and Bev Leadsom (15 years) as well as Clerk-Treasurer Administrator Allen Forrester (36 years) with a plaque and retirement watch for their many years of committed service to the Township. He expressed his gratitude and appreciation on behalf of Council and the community for their dedication.

APPROVAL OF AGENDA

Clerk Mary Ellen Greb noted that Fred Wright had postponed his appointment with Council until September 15, 2009.

Councillor George Klosler and Ron Sackrider noted each would make a brief presentation on the A.M.O. Conference each attended in Ottawa.

Resolution No. 2 Moved by Gerry Mitchell
Seconded by George Klosler

RESOLVED that the agenda for the September 1, 2009,
meeting of Council be accepted as amended.

DISPOSITION: Motion Carried

#708 Town of Fort Erie requesting support of Moratorium call by Ontario Medical Association to halt major health care restructuring decisions.

Resolution No. 7 Moved by George Klosler
Seconded by Gerry Mitchell

RESOLVED that the resolution from Legal & Legislative Services requesting support of Moratorium call by Ontario Medical Association to halt major health care restructuring decisions be supported.

DISPOSITION: Motion Carried

#709 Ministry of Municipal Affairs invitation to attend West Municipal Conference in London, November 25 and 26th, 2009.

Resolution No. 8 Moved by Ron Sackrider
Seconded by Gerry Mitchell

RESOLVED that the following persons be permitted to attend the AMO 2009 Ontario West Municipal Conference:
Councillor Ron Sackrider
Two staff members

DISPOSITION: Motion Carried

#712 County of Oxford Ex-Councillor's Association requesting a donation of a door prize valued at \$15.00 to \$20.00.

Resolution No. 9 Moved by Ron Sackrider
Seconded by George Klosler

RESOLVED that a door prize for the County of Oxford's Ex-Councillor's Reunion be provided.

DISPOSITION: Motion Carried

ACCOUNTS PAYABLE

Resolution No. 10 Moved by George Klosler
Seconded by D. Anne Vanhoucke

RESOLVED that the following Accounts be approved
For payment:

Accounts Payable Council Report	\$679,939.53
GST Recoverable	\$23,700.56
Council July remuneration	\$4,872.91
By-Weekly Payroll #17	\$28,380.70
By-Weekly Payroll #18	\$30,457.59
Pre-Authorized payments	\$9,410.81
TOTAL	<u>\$776,762.10</u>

DISPOSITION: Motion Carried

ADJOURN FOR COMMITTEE OF ADJUSTMENT HEARING

10:00 a.m. Hearing for 1040669 Ontario Inc, Part Lot 1, Concession 3 (West Oxford)

Resolution No. 11 Moved by Gerry Mitchell

Seconded by George Klosler

RESOLVED that Council adjourn in order that a meeting of the Committee of Adjustment may be held.

DISPOSITION: Motion Carried

The meeting of the Committee of Adjustment having been concluded the Council meeting was resumed.

PUBLIC MEETING FOR ZONE CHANGE APPLICATION NO. ZON 4-08-10, 1040669 ONTARIO INC.

Application No. ZON 4-08-10 request a zone change for lands that are located on the west side of County Road 12, lying between Curry Road and Sweaburg Road – municipally known as 485037 Sweaburg Road. The existing zoning is Special Agri-Business (AB-3) with the application proposing to change it to Amended Special Agri-Business (AB-3).

Principal owner Nancy Happl, Agent Stephen Cornwell of Zelinka Priamo Planners, Solicitor Elizabeth Cormier of Patton Cormier & Associates and George Van Dorp Director of the Oxford County Federation of Agriculture were present in support of the application.

Also present were:

Marg Evans, Community and Strategic Planning Corporate Manager, Oxford County
Melissa Sherran, Planner, Oxford County

Melissa Sherran gave the Planning Report which favoured an amended list of uses proposed by the applicant.

The agencies reviewing the application expressed concern with some of the proposed uses being developed in a wellhead protection area of the Municipal water supply. The site is located within the 2 year travel time of the Woodstock-Sweaburg municipal wells located on Sweaburg Road. The list of uses outlined is too encompassing and Oxford County Public Works is opposed to activities or chemical storage that could pose threats to the groundwater.

Nancy Happl

The applicant reviewed the history of the zoning and uses of the property since it was purchased in 1993. The current zoning does not allow enough variety of uses for perspective purchasers. She expressed frustration with what she described as a cumbersome process which delayed interested purchasers from investing in the property. Serious purchasers have been turned away due to the limited scope of the zoning and have been discouraged by the process for change.

The time has come to be proactive and to ensure that a zone change is put in place that would help to improve the viability of the property. The property is highly taxed and the business must generate enough income to sustain it. This would benefit the business owner, workers and the Township.

The property is surrounded by AB and amended AB uses. The property has been listed for sale since 2006. To have the zoning on the property more inclusive of AB uses is sensible.

She noted that the business has been operating for quite some time with no effect on the water table. Business is already heavily regulated including having to take measures to ensure that all chemicals etc. are contained on the property. Good business practice dictates that you take proper care of your property. She expressed concern about the potential implications of the impacts of Source Water Protection.

Agent Steve Cornwell noted that reasonable source water protection is afforded by the Clean Water Act. The zoning application makes good sense from a planning perspective.

Solicitor Elizabeth Cormier noted that potential Source Water Protection legislation should not be determining the planning process today. The range of uses is not the threat...it is the circumstances that pose the threat. The zoning by-law is not the tool to protect the environment. Any change of use will require site plan approval. Council needs to evaluate every application at the time of the application and not limit the potential of the land based on what has not been legislated. Issues of concern can be addressed through site plan and discussion. It is not the time to try to guess which direction Source Water Protection is taking and base a current day planning decision on it. Once the new legislation comes into force planning initiatives must take it into consideration. Existing business will also need to abide by the new rules.

George Van Dorp noted that he had no objection to the zone change taking place. It makes better sense to utilize existing properties for business uses and stop developing new business on agricultural lands.

The applicant's agent agreed that there was no objection to add 'excluding livestock' to the proposed uses.

Marg Evans noted that Council may wish to be conservative in this case. It will need to carefully weigh the risk before making a decision. The vulnerability of the area has been outlined in the planning report.

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

The Chair declared the Public Meeting concluded.

The Council meeting was resumed.

Resolution No. 12 Moved by George Klosler
Seconded by Ron Sackrider

RESOLVED THAT the zone change application submitted by 1040669 Ontario Inc., Part Lot 1, Concession 3 (West Oxford) be rezoned from "Special Agri-Business (AB-3)" to amended "Special Agri-Business (AB-3)" to allow for an expanded list of permitted uses be approved.

DISPOSITION: Motion Carried

ADJOURN FOR LUNCH

Council adjourned for lunch at 12:13 p.m. and reconvened at 1:00 p.m.

DELEGATION

Canada Post representatives Anna Hornbert and Andy Patterson were present to discuss the Rural Mail Safety Review Project.

Local residents Peg Caffyn, Francis and Grace Bannon, Homer Hammond, Suzanne and Keith Quinn, Walter and Merriel LaRose, Wilford Wagner, Charlie Kuenzle and Robert Carter were present for the discussion.

Andy Paterson reviewed the background of the Rural Safety project. There have been 115 accidents and 3 workers killed delivering mail since 2005. Bill C45 puts the onus for the safety of the employee on the employer and Canada Post under took a Canada wide safety review to ensure its workers were properly protected.

The project involved 843,000 rural mailboxes across Canada. The same criteria were established as a measurement for safety across Canada. It took into account the location of the mailbox, number of lanes, centre lines marking, posted speed limited, volume counts, site lines and whether a carrier had to deliver in the on road or off road position.

The local residents present expressed concern about the inconvenience and safety issues created by the changes mandated by Canada Post.

Andy Patterson noted that anyone with concerns could speak with him directly and he would check into the matter.

DRAINAGE DEPARTMENT

Drainage Superintendent Wray Ramsay gave the following reports:

DD-20-2009 Drainage Activity for August

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

RESOLVED that the Drainage Superintendent's Report No. D.D. 20-2009 be accepted.

DISPOSITION: Motion Carried

D.D. 21-2009 Recommendation to accept drainage petition for Lots 5,6 and 7 Concessions 9 and 10 (Job Hockey Drain) and appoint the firm of Wm. Dietrich Engineering Limited to complete the new Drainage Report.

Resolution No. 14 Moved by Ron Sackrider
Seconded by Gerry Mitchell

RESOLVED that the Drainage Superintendent's Report No. D.D. 21-2009 be accepted.

DISPOSITION: Motion Carried

D.D. 22-2009 Recommendation to accept drainage petition for Lot 15 Concession 4 and appoint the firm of Spriet Associates London Limited to complete the new drainage report.

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

RESOLVED that the Drainage Superintendent's Report No. D.D. 22-2009 be accepted.

DISPOSITION: Motion Carried

CLOSED MEETING

Resolution No. 16 Moved by G. Mitchell
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 2:18 p.m. and reconvened "in public" at 3:08 p.m.

INFORMATION CORRESPONDENCE

Resolution No. 17 Moved by Ron Sackrider
Seconded by George Klosler

RESOLVED that the following information correspondence be noted and filed:

#685, #686, #689, #690, #693, #700, #706,
#707, #710, #719, #720, #725, #726

DISPOSITION: Motion Carried

#702 Ontario Medical Association request for menu board labeling
Resolution No. 18

Moved by Gerry Mitchell
Seconded by George Klosler

RESOLVED that the Township of South-West Oxford support the efforts of the Ontario Medical Association urging the Provincial government to introduce legislation that would require calorie counts to be listed adjacent to the items on menus and menu boards at chain restaurants and school cafeterias across the province.

DISPOSITION: Motion Carried

BY-LAWS AND AGREEMENTS

By-Law No. 38-2009 – Contract with Hillside Kennels Animal Control Ltd.
First and Second Reading

Resolution No. 19

Moved by D. Anne Vanhoucke
Seconded by George Klosler

RESOLVED that the mover be granted leave to introduce a by-law to authorize the execution of a Contract between The Corporation of the Township of South-West Oxford and Hillside Kennels Animal Control Ltd. and this shall constitute the first and second reading thereof. (By-Law No. 38-2009).

DISPOSITION: Motion Carried

Third and Final Reading

Resolution No. 20

Moved by D. Anne Vanhoucke
Seconded by Gerry Mitchell

RESOLVED that the By-Law to authorize the execution of a Contract between The Corporation of the Township of South-West Oxford and Hillside Kennels Animal Control Ltd. Be now read a third time and finally passed, signed, sealed and numbered 38-2009.

DISPOSITION: Motion Carried

By-Law No. 39-2009 – Severance Agreement with Carlo and Venesa Cocchetto
First and Second Reading

Resolution No. 21

Moved by D. Anne Vanhoucke
Seconded by George Klosler

RESOLVED that the mover be granted leave to introduce a by-law to authorize the Mayor and Clerk to sign a Severance Agreement between The Corporation of the Township of South-West Oxford and Carlo Cocchetto and Venesa Stephanie Cocchetto and this shall constitute the first and second reading thereof (By-Law No. 39-2009).

DISPOSITION: Motion Carried

Third and Final Reading

Resolution No. 22

Moved by D. Anne Vanhoucke

Seconded by Gerry Mitchell

RESOLVED that the By-Law to authorize the Mayor and Clerk to sign a Severance Agreement between The Corporation of the Township of South-West Oxford and Carlo Cocchetto and Venesa Stephanie Cocchetto be now read a third time and finally passed, signed, sealed and numbered 39-2009.

DISPOSITION: Motion Carried

By-Law No. 40-2009 – to amend due dates for taxation 2009.

First and Second Reading

Resolution No. 23

Moved by D. Anne Vanhoucke

Seconded by George Klosler

RESOLVED that the mover be granted leave to introduce a by-law to amend the due dates for the levying of taxes for the year 2009 and this shall constitute the first and second reading thereof. (By-Law No. 40-2009).

DISPOSITION: Motion Carried

Third and Final Reading

Resolution No. 24

Moved by D. Anne Vanhoucke

Seconded by George Klosler

RESOLVED that the mover be granted leave to introduce a by-law to adopt estimates of Revenues and Expenditures and provide for the Levying of Taxes for the year 2009 be now Read a Third time and Finally Passed, signed, sealed and numbered 40-2009.

DISPOSITION: Motion Carried

NEW BUSINESS

A.M.O. Conference 2009

Councillors George Klosler and Ron Sackrider reviewed the 2009 A.M.O. Conference. All workshops were well attended with excellent presentations made on a variety of pertinent topics. The Conference was well worth attending and council members should attend in 2010.

ADJOURNMENT

Resolution No. 25 Moved by Gerry Mitchell
Seconded by George Klosler

RESOLVED that there being no further business Council adjourn at 3:33 p.m. to meet again on September 15, 2009, commencing at 7:00 p.m.

DISPOSITION: Motion Carried

These minutes were adopted by Council on the 6th day of October, 2009.

MAYOR: Jim Hayes

CLERK: Mary Ellen Greb