

**MUNICIPALITY OF HURON EAST COUNCIL MEETING MINUTES**  
**HELD IN THE COUNCIL CHAMBERS, SEAFORTH, ONTARIO**  
**TUESDAY, JULY 16<sup>th</sup>, 2013 – 7:35 P.M.**

**Members Present:** Mayor Bernie MacLellan, Deputy Mayor Joseph Steffler  
 Councillors Frank Stretton, Dianne Diehl, David Blaney,  
 Alvin McLellan, Andrew Flowers, Robert Fisher,  
 Nathan Marshall and Les Falconer

**Members Absent:** Councillor Larry McGrath

**Staff Present:** CAO/Clerk, Brad Knight  
 Finance Manager-Treasurer/Deputy Clerk, Paula Michiels  
 Public Works Coordinator, Barry Mills  
 Chief Building Official, Paul Josling  
 Building & Property Maintenance Coordinator, John Hill  
 Fire Chief/CEMC, Marty Bedard  
 Economic Development Officer, Jan Hawley  
 Executive Assistant, Janice Andrews

**CALL TO ORDER**

Mayor MacLellan called the meeting to order at 7:35 p.m.

**DISCLOSURE OF ELECTED OFFICIALS – PECUNIARY INTEREST**

Councillor Alvin McLellan declared a conflict of interest and refrained from any discussion on the accounts payable since there was an invoice payable to himself.

Councillor David Blaney declared a conflict of interest and refrained from any discussion on agenda item 16.14.2 - Section 239(2)(f) during the Closed Session as he has a financial interest in wind turbines.

**DEPUTATIONS**

Gerry Ryan and Carol Ryan were in attendance to hear the proceedings of Council.

7:30 p.m.      Seaforth Foodland – Site Plan Agreement  
Lot 157, Lots 42-45, Part Lot 46, Plan 387, Seaforth Ward – 95 Main Street South, Seaforth

Christine Yee, Director of Real Estate & Development for Sobey's Developments and Steve and Barb Delchiaro of the Seaforth Foodland were in attendance to hear the discussion and answer any questions of Council concerning the Site Plan Agreement for the Seaforth Foodland.

Huron County Senior Planner Sandra Weber attended before Council to present the proposed Site Plan Agreement for the Seaforth Foodland property. Ms. Weber reviewed her report to Council dated July 10<sup>th</sup>, 2013 and the following points were noted:

*The applicant intends to re-construct a building for the Foodland Grocery Store that was destroyed by fire. The proposed building has a ground floor area of 1647.3 sq. metres (17,731.96 sq. ft.) with a mezzanine that is 206 sq. metres (2,216 sq. feet). The subject lands are designated Core Area Commercial in the Huron East Official Plan and zoned Core Commercial (C4) and Fringe Core Commercial (C2) in Zoning By-Law 52-2006. Based on the proposed Site Plan, Landscaping Plan, and Photometric Plan (lighting), the development complies with the provisions of the Huron East Zoning By-Law.*

*An existing municipal sewer easement runs across the back of the subject property and an addition on the original building had inadvertently entered the easement. The footprint of the and the encroachment into the easement had been reduced to approximately 12'' which was acceptable to the Municipality.*

*The subject property is located within the designated Heritage Conservation District of Seaforth and the Planning Department recommended that Huron East Council consider the comments of the Heritage Committee prior to approval of the proposed development and entering into the site plan agreement with Vera Lyons for the development of the subject lands.*

*The purpose of the site plan agreement is to ensure development of the lands occurs in accordance with;*

- *the Site Plan*

- *the Elevation Plan*
- *the Grading and Servicing Plan*
- *the Photometric and electrical Plan*
- *the Landscaping Plan*

*The developer is responsible for all costs associated with the proposed development, and is required to provide a security to ensure all work is conducted to the satisfaction of the Municipality. Site work includes grading and servicing, construction of the building, landscaping, sidewalk, and the reconfiguration of the parking lot and entrance/exits.*

## **COUNCILLORS ISSUES**

### **MINUTES OF THE PREVIOUS MEETING**

**Moved** by Les Falconer and seconded by Nathan Marshall: Meeting Minutes  
That Council of the Municipality of Huron East approve the following  
Council Meeting Minutes as printed, circulated and amended.

a) Regular Meeting – July 2<sup>nd</sup>, 2013 Carried.

### **ACCOUNTS PAYABLE**

**Moved** by Andrew Flowers and seconded by Dianne Diehl: Accounts Payable  
That the accounts payable in the amount of \$1,718,661.08 be approved for  
payment. Carried.

## **REPORTS & RECOMMENDATIONS OF MUNICIPAL OFFICERS**

### **Chief Building Official – Report**

A report to Council from the Chief Building Official Paul Josling summarizing zoning and tax certificates as well as building permits was received.

### **Fire Chief/CEMC – Morris-Turnberry Fire Agreement**

Fire Chief/CEMC Marty Bedard reviewed his report to Council concerning the renewal of the fire agreement with the Municipality of Morris-Turnberry. It was recommended the fire agreement be renewed for a term of 5 years commencing in January 1<sup>st</sup>, 2014.

**Moved** by David Blaney and seconded by Frank Stretton: Fire Agreement  
That Council of the Municipality of Huron East accept the recommendation Morris-Turnberry  
from the Huron East Fire Chief to renew the fire agreement with the  
Municipality of Morris-Turnberry effective January 1<sup>st</sup>, 2014 and that staff  
be directed to prepare the agreement for consideration by Council. Carried.

### **Fire Chief/CEMC – Fire Department Health & Safety Policy**

Fire Chief/CEMC Marty Bedard provided Council with a copy of the proposed Huron East Fire Department Health & Safety Policy. It was noted the Occupational Health and Safety Act requires employers to prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy. The fire department has more than 20 regular workers and therefore a separate policy and program is required.

It was also noted the Workplace Harassment Policy and the Workplace Violence Policy attached to the proposed Health and Safety Policy require updating. Fire Chief Bedard advised these policies are being reviewed by the Health and Safety Committee and will be updated at their next meeting. CAO/Clerk Knight noted both policies will be updated for the fire department and the entire municipality as well.

**Moved** by David Blaney and seconded by Alvin McLellan: Fire Department  
That Council of the Municipality of Huron East approves the Huron East Fire Health & Safety  
Department Health & Safety Policy as submitted. Carried. Policy

### **CAO/Clerk – Town Hall Renovations**

CAO/Clerk Brad Knight reviewed his report to Council outlining renovations completed to the Town Hall. A complete summary of the costing was provided and it was noted the costs to date are \$200,000 under the 2013 budget estimates, although most of this has been achieved because the flat roof replacement was not completed.

	<u>Budget</u>	<u>Actual</u>
2012	\$500,000	\$376,269
2013	<u>440,000</u>	<u>413,404</u>
	\$990,000	\$789,673

Building & Property Maintenance Coordinator – Report

Council were provided a copy of the Building Maintenance Report prepared by the Building & Property Maintenance Coordinator John Hill. CAO/Clerk Brad Knight advised Mr. Hill's time and expenses were billed back against the facilities.

CAO/Clerk – St. Columban Wind Project

CAO/Clerk Knight reviewed his report to Council concerning the St. Columban wind project noting that Council should consider if the municipal issues raised during the consultation process meet the test of submitting an appeal to the Environmental Review Tribunal.

Council were also advised that Julian N. Falconer of Falconers LLP, have t filed a Notice of Appeal to the Environmental Commissioner of Ontario, Ministry of Environment, and St. Columban Energy LP/Veresen Inc. for the St. Columban Wind Project. The Notice of Appeal to the Environmental Review Tribunal is between Scotty Dixon, Jennifer Dixon, Thomas Ryan and Catherine Ryan and the Director, Ministry of the Environment. The appeal includes a challenge under Section 7 of the *Canadian Charter of Rights & Freedoms*. It was noted that legal advice from the solicitor for Huron East concerning a municipal appeal would be considered during the closed session later in the meeting.

Main Line Railway Crossing – Seaforth Ward

Public Works Coordinator Mills reviewed his report to Council advising that as a result of structural defects, GEXR will be replacing the main line rail crossing at County Road 12 (Main Street South) in Seaforth. The County Road will be closed for two days to conduct the replacement of the crossing and an alternative route will be established.

**Moved** by Nathan Marshall and seconded by Dianne Diehl:  
That Council of the Municipality of Huron East receive the following Reports of Municipal Officers as presented:

Receive  
Reports

- a) Chief Building Official
- b) Fire Chief/CEMC
- c) CAO/Clerk
- d) Building & Property Maintenance Coordinator
- e) Public Works Coordinator

Carried.

CORRESPONDENCE

**Moved** by Dianne Diehl and seconded by Alvin McLellan:  
That the Ethel Minor Ball Committee, being a committee of the Municipality of Huron East, be authorized to apply for a special occasion permit for a slo-pitch tournament being held on August 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup>, 2013 with all proceeds being designated towards the Ethel Minor Ball program and park improvements.

Ethel Minor  
Ball – SOP  
Municipal  
Significant Event

**Moved** by Robert Fisher and seconded by Nathan Marshall:  
That the request of the Seaforth Men's Slo-pitch League to declare their year-end championship tournament at the Seaforth Lions Park on September 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>, 2013 to be declared as a municipally significant event be approved by Council.

Seaforth Men's  
Slo-Pitch League  
Municipal  
Significant Event

**Moved** by Nathan Marshall and seconded by Robert Fisher:  
That Council accept the recommendation of the Administrative Committee that Aljack Holdings Ltd. be advised that a Letter of Understanding was entered into between the Huron County Board of Education and the Town of Seaforth on February 26<sup>th</sup>, 1991 to permit the Seaforth entrance sign on the subject property and that Council decline his invoice for payment. Carried.

Aljack Holdings  
Invoice for  
Entrance Sign

**Moved** by Frank Stretton and seconded by Joseph Steffler:  
That Council of the Municipality of Huron East hereby declares the 2013 Walton TransCan, Canadian Motocross Grand National Championships as an event of municipal and national significance. Carried.

Walton TransCan  
Municipal  
National Event

UNFINISHED BUSINESS

**Moved** by Frank Stretton and seconded by Dianne Diehl:  
That Council of the Municipality of Huron East appoint Deputy Mayor Joseph Steffler as representative on the Ausable Bayfield Conservation Authority. Carried.

Appointment  
ABCA  
Representative

**NEW BUSINESS****MUNICIPAL DRAINS****TILE DRAINAGE****FINANCIAL REPORT****PLANNING****INFORMATION ITEMS**

**Moved** by Andrew Flowers and seconded by David Blaney:  
That Council of the Municipality of Huron East receive the following  
Board and Committee Meeting Minutes as submitted:

1. Huron East Heritage Advisory Committee – April 8<sup>th</sup> and June 24<sup>th</sup>, 2013
2. Huron East Water & Sewer Committee – May 14<sup>th</sup>, 2013
3. Huron East Administrative Committee – July 9<sup>th</sup>, 2013

Carried.

Receive Board/  
Committee  
Minutes**CLOSED SESSION**

**Moved** by Les Falconer and seconded by Alvin McLellan:  
That Council of the Municipality of Huron East, pursuant to Section 239(2) of  
the *Municipal Act*, adjourn the regular meeting of Council at 9:10 p.m.  
to go into Closed Session to discuss the following:

- i) 239(2)(f) – advice that is subject to solicitor-client privilege (St. Columban Wind Appeal)

Carried.

Closed Session

**Moved** by Andrew Flowers and seconded by Robert Fisher:  
That Council of the Municipality of Huron East resumes the regular Council  
meeting at 10:07 p.m. Carried.

Resume Regular  
Council Meeting

**Moved** by Nathan Marshall and seconded by Les Falconer:  
That Council of the Municipality of Huron East give notice of the reconsideration  
of the motion passed July 2<sup>nd</sup>, 2013 regarding the investigation and submission of  
an appeal of the St. Columban Wind Project approval. Carried.

Notice to  
Reconsider  
Motion of  
July 2<sup>nd</sup>, 2013**BY-LAWS**

**Moved** by Alvin McLellan and seconded by David Blaney:  
BE IT HEREBY RESOLVED that leave be given to introduce  
By-Law No. 36, 49, 50, 51 and 52 for 2013. Carried.

Introduce  
By-Laws

By-Law 36-2013 – Zoning Amendment – Part of Park Lots 6 & 7, RP 22R-5338,  
Part 3, Plan 237, Tuckersmith Ward (Hulley)

By-Law 49-2013 – Deem part of registered plan of subdivision not to be  
registered plan of subdivision – Part Lot 46, Lots 42 to 45 and  
Lot 157, Registered Plan 387, Seaforth Ward, Seaforth  
Foodland

By-Law 50-2013 – Authorize Site Plan Control Agreement – Vera Lyons –  
Seaforth Foodland, 95 Main Street South, Seaforth Ward

By-Law 51-2013 – Temporary Road Closure – portion of Main Street South  
(County Road 12) Seaforth Ward

By-Law 52-2013 – Confirm Council Proceedings Carried.

**Moved** by Les Falconer and seconded by Andrew Flowers:  
BE IT HEREBY RESOLVED that By-Law 36 for 2013, a by-law to amend the  
zoning on Part of Park Lots 6 & 7, RP 22R-5338, Part 3, Plan 237, Tuckersmith  
Ward, be given first, second, third and final readings and signed by the Mayor and  
Clerk, and the Seal of the Corporation be affixed thereto. Carried.

Rezoning-Hulley  
Pt.Park Lots 6-7  
22R-5338 Part 3  
Plan 237  
Tuckersmith

**Moved** by Nathan Marshall and seconded by Robert Fisher:  
BE IT HEREBY RESOLVED that By-Law 49 for 2013, a by-law to deem part  
of a registered plan of subdivision not to be a registered plan of subdivision – Part  
Lot 46, Lots 42 to 45 and Lot 157, Registered Plan 387, Seaforth Ward, Seaforth  
Foodland, be given first, second, third and final readings and signed by the Mayor  
and Clerk, and the Seal of the Corporation be affixed thereto. Carried.

Deem not Plan  
of Subdivision  
Pt. Lot 46  
Lots 42-45  
Lot 157 RP 387  
Seaforth Foodland

**Moved** by Robert Fisher and seconded by Nathan Marshall:  
BE IT HEREBY RESOLVED that By-Law 50 for 2013, a by-law to authorize a Site Plan Control Agreement with Vera Lyons, 95 Main Street South, Seaforth Ward, Seaforth Foodland, be given first and second readings and provisionally adopted. Carried.

Site Plan  
Agreement  
Seaforth Foodland

**Moved** by Robert Fisher and seconded by Nathan Marshall:  
BE IT HEREBY RESOLVED that By-Law 51 for 2013, a by-law to temporarily close a section of Main Street South (County Road 12), Seaforth Ward, to allow for maintenance on the Goderich-Exeter Railway track, be given first, second, third and final readings and signed by the Mayor and Clerk, and the Seal of the Corporation be affixed thereto. Carried.

Temporary Road  
Closure  
Main St. South  
Seaforth  
GEXR Maint.

**Moved** by Dianne Diehl and seconded by Frank Stretton:  
BE IT HEREBY RESOLVED that By-Law 52 for 2013, a by-law to confirm the proceedings of Council, be given first, second, third and final readings and signed by the Mayor and Clerk, and the Seal of the Corporation be affixed thereto. Carried.

Confirm  
Proceedings

### **ADJOURNMENT**

**Moved** by David Blaney and seconded by Alvin McLellan:  
The time now being 10:21 p.m.  
That the meeting do now adjourn until July 30<sup>th</sup>, 2013 at 6:00 p.m. Carried.

Adjournment

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Bernie MacLellan, Mayor

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Brad Knight, CAO/Clerk