

MUNICIPALITY OF HURON EAST COUNCIL MEETING MINUTES
HELD IN THE COUNCIL CHAMBERS, SEAFORTH, ONTARIO
TUESDAY, AUGUST 5th, 2014 – 7:00 P.M.

Members Present: Mayor Bernie MacLellan, Deputy Mayor Joseph Steffler, Councillors Frank Stretton, Alvin McLellan, Allison Dekroon, Andrew Flowers, Robert Fisher, Nathan Marshall, Larry McGrath and Les Falconer

Members Absent: Councillors David Blaney and Dianne Diehl

Staff Present: CAO/Clerk, Brad Knight
 Finance Manager-Treasurer/Deputy Clerk, Paula Michiels
 Public Works Coordinator, Barry Mills
 Economic Development Officer, Jan Hawley
 Executive Assistant, Janice Andrews

CALL TO ORDER

Mayor MacLellan called the meeting to order at 7:00 p.m.

DISCLOSURE OF ELECTED OFFICIALS – PECUNIARY INTEREST

DEPUTATIONS

Kevin Wilbee attended the meeting to observe the proceedings of Council.

Court of Revision – O’Reilly Municipal Drain

Moved by Nathan Marshall and seconded by Frank Stretton:
 That the Court of Revision for the O’Reilly Municipal Drain 2014 be opened with Councillors Flowers, Dekroon and Falconer appointed as members with Councillor Flowers acting as Chairman. Carried.

Open Court of
 Revision
 O’Reilly Drain

No appeals were received.

Moved by Allison Dekroon and seconded by Les Falconer:
 That the Court of Revision for the O’Reilly Municipal Drain 2014 be closed. Carried.

Close Court of
 Revision
 O’Reilly Drain

Court of Revision – Baillie Municipal Drain

Councillor Matt Duncan attended the Court of Revision as the representative appointed by the Municipality of North Perth.

Moved by Nathan Marshall and seconded by Frank Stretton:
 That the Court of Revision for the Baillie Municipal Drain 2014 be opened and that Councillors McLellan and Falconer be appointed as the Huron East members (along with Councillor Matt Duncan appointed by the Municipality of North Perth) with Councillor McLellan acting as Chairman. Carried.

Open Court of
 Revision
 Baillie Drain

CAO/Clerk Brad Knight reviewed his report to the Court of Revision advising that Hugh and Joanne Crawford had submitted an appeal to both the Court of Revision and to the Drainage Tribunal concerning impacts on their tile outlet by the modifications to the Baillie Municipal Drain. It was noted that Dietrich Engineering Limited had provided a drawing to the Crawfords showing an extension of their private tile southerly towards the road crossing. Members of the Court of Revision were provided with a copy of correspondence received from Hugh and Joanne Crawford withdrawing their appeal provided the cost of the modification is assumed by Cajan Farms. The CAO advised there would be no additional assessment to the Crawford property as a result of the modifications. .

Moved by Les Falconer and seconded by Alvin McLellan:
 That the Court of Revision for the Baillie Municipal Drain 2014 be closed. Carried.

Close Court of
 Revision
 Baillie Drain

COUNCILLORS ISSUES

MINUTES OF THE PREVIOUS MEETING

Moved by Alvin McLellan and seconded by Allison Dekroon: Meeting Minutes
That Council of the Municipality of Huron East approve the following
Council Meeting Minutes as printed and circulated.

a) Regular Meeting – July 22nd, 2014 Carried.

ACCOUNTS PAYABLE

Moved by Nathan Marshall and seconded by Frank Stretton: Accounts Payable
That the accounts payable in the amount of \$371,943.26 be approved
for payment. Carried.

DELEGATIONS**7:15 p.m. Concerned Landowners Adjacent to Guelph to Goderich Rail Trail**

David Baan, Margaret Vincent, Napier Simpson, Wendy Hoernig, Christa Lehnen and Elaine McDivitt attended the meeting to hear the discussion on the Guelph 2 Goderich Rail Trail.

Ken Scott, Chairman of Property and Land Use Committee for the Huron County Federation of Agriculture made a presentation to Council expressing concerns of landowners with the proposed rail trail. Concerns of the adjacent landowners include the following: trespassing, liability, crop damage, theft, safety, vandalism and illegal activities being carried out. He noted that a number of landowners have requested Council support having their voices heard and concerns addressed prior to the County of Huron agreeing to sign a lease for the proposed Guelph to Goderich Rail Trail and requested a motion regarding this issue stating Council's position. Mayor MacLellan advised that Huron East Council had passed a motion on December 18th, 2012 supporting in principle the Guelph to Goderich Trail Initiative with the motion encouraging the Goderich to Guelph Trail Committee to engage abutting property owners in their discussions.

Paul VanderMolen, a member of the Guelph to Goderich Rail Trail Steering Committee, attended before Council and provided background information on the proposed Rail Trail. Mr. VanderMolen advised the Guelph to Goderich Rail Trail Initiative is incorporated and has received charitable designation. The trail would be 127 km, the longest in Ontario, and will provide great opportunities for eco-tourism and small communities in the area. Council were advised that the Ontario Federation of Agriculture had a representative at the last Steering Committee meeting and he encouraged the Federation to be involved as the initiative moves forward.

REPORTS & RECOMMENDATIONS OF MUNICIPAL OFFICERS**CAO/Clerk – NextEra Contribution – Paving Hensall Road**

CAO/Clerk Brad Knight reviewed his report that was presented to the Administrative Committee on July 29th, 2014 concerning a contribution from NextEra towards repaving of 4 km of Hensall Road from Highway 8 to Tile Road. It was noted that in January, NextEra commenced the installation of the transmission line within the Hensall and Centennial Road allowances. Council were advised that staff closely monitored and documented construction activity within the road allowances, while at the same time making NextEra aware that under the provisions of the Road Use Agreement that compensation was expected for both the inconveniences caused and physical damages. To compensate the Municipality for inconvenience and spot reconstruction on Centennial Road, a settlement in the amount of \$50,000 was negotiated. Rather than attempting spot repair on Hensall Road, a settlement in the amount of \$339,000 was negotiated for an overlay of HL-4 pavement and associated shouldering.

Moved by Les Falconer and seconded by Larry McGrath: Repaving 4km
That Council concur with the recommendation made by the Administrative Hensall Road
Committee that the 2014 Huron East Budget will be amended at year-end to Amend Budget
show the repaving of 4 km of Hensall Road (from Highway 8 to Tile Road) Offset by
with an offsetting contribution form NextEra Canada for the work. Carried. Contribution of
NextEra Canad

DELEGATIONS**7:50 p.m. Keith Mulvey – 770 Elizabeth Street, Brussels Ward**

Keith Mulvey attended before Council to discuss the possibility of a severance on 770 Elizabeth Street, Brussels Ward. Mr. Mulvey advised the property is approximately 3 acres and questioned the possibility of severing the house and approximately ½ acre and the remaining 2 ½ acres be severed into 3 or 4 lots. CAO/Clerk Brad Knight advised that severance of the house would not be an issue, however the severing of the remaining land into 3 or 4 long narrow lots fronting on Elizabeth Street would landlock

lands to the west of the property. The CAO also advised the lands are presently zoned Future Development and the Huron East Official Plan states that consents will not be granted which will hinder or restrict the interior development of a block of land. Mr. Mulvey suggested a possible solution would be to leave a 66 foot strip of land to allow access to the adjacent property. The CAO suggested a report from the Planner be obtained prior to a severance application being submitted and a meeting will be scheduled with the Planner and applicant to discuss options available for the subject property.

REPORTS & RECOMMENDATIONS OF MUNICIPAL OFFICERS

CAO/Clerk – By-Law 50-2014 – Amend NextEra Road Use Agreement

CAO/Clerk Brad Knight reviewed his report to Council concerning By-Law 50-2014 being considered later in the meeting that would authorize an amendment to the NextEra Road Use Agreement. Council were advised that the intent of amendments are to insert a definition of “transmission line mitigation measures” (safety guiderails) in the Agreement and to make it clear that the ownership and responsibility of the guiderails are clearly that of NextEra Energy.

CAO/Clerk – Queen’s Hotel – Demolition Permit Application

CAO/Clerk Brad Knight reviewed his report to Council concerning the demolition permit application submitted by Ottavio Rucolo for the Queen’s Hotel. The application for demolition was received on July 30th, 2014 and the Huron East Heritage Committee has been advised. Council were provided a copy of a report from Caskanette Udall, consulting engineers retained by the Adjustor. The report indicated the extent of the damage and the safety issues. The Adjustor has indicated that policy coverage is still under legal review and it may be several weeks before a coverage decision is received from the underwriters. The CAO advised that some legal costs have been incurred and if the Municipality initiates the demolition, the costs may be covered by insurance or placed on the property taxes for future collection.

Moved by Nathan Marshall and seconded by Robert Fisher:
That Council, pursuant to section 42(3) of the Ontario Heritage Act acknowledge receipt of a demolition permit application submitted by Ottavio Rucolo for the Queen’s Hotel (4 Goderich Street East, Seaforth) and further that pursuant to Section 42(4) of the Ontario Heritage Act, advise the CBO that Council has no objections to the issuance of a demolition permit. Carried.

No Objection
Issuance of
Demolition Permit
Queen’s Hotel

CAO/Clerk – RFP for Sale of Vanastra Municipal Office

CAO/Clerk Brad Knight reviewed his report to Council concerning Lot 42, Plan 133, Vanastra (former Tuckersmith Municipal Office). Council were advised that in late 2011 the Huron County Federation of Agriculture initiated improvements in the former Tuckersmith municipal office and staff were directed to prepare a work plan to make other improvements to the facility. Council had decided in 2012 not to proceed with improvements and started to consider if the property should be considered surplus and sold. The other tenant of significance on the property is Tuckersmith Communications Co-operative (TCC) as they have a communication tower and small building on the site. The Administrative Committee discussed this matter on July 29th, 2014 and recommended that Council declare the property surplus and proceed to sell the property under the provisions of By-Law 62-2013. It was also noted the Administrative Committee had reviewed a draft RFP with the condition the Municipality would remove the Tuckersmith records and remove the small records storage room from the building. Council were advised the flat roof on the small records storage room has been leaking for some time and the room/records are full of mold. An estimate in the amount of \$1,500 to remove the addition and restore the side of the building was provided by Building & Property Maintenance Coordinator John Hill.

Moved by Les Falconer and seconded by Larry McGrath:
That Pursuant to the provisions of By-Law 61-2013 that Huron East Council declare Lot 42, Plan 133, Vanastra (former Tuckersmith Municipal Office) surplus and propose to sell the property through an RFP process with RFP’s to be submitted by August 29th, 2014 at 4:00 p.m.

Declare Lot 42
Plan 133, Vanastra
Surplus and Sell
RFP Process

A recorded vote was requested by Councillor McGrath:

Blaney, David	Absent	Brussels Ward
Dekroon, Allison	No	McKillop Ward
Diehl, Dianne	Absent	Grey Ward
Falconer, Les	Yes	Tuckersmith Ward
Fisher, Robert	No	Seaforth Ward
Flowers, Andrew	Yes	McKillop Ward
MacLellan, Bernie	Yes	Mayor
Marshall, Nathan	Yes	Seaforth Ward
McGrath, Larry	No	Tuckersmith Ward
McLellan, Alvin	No	Grey Ward
Steffler, Joe	Yes	Deputy Mayor
Stretton, Frank	Yes	Brussels Ward

Motion Carried.

CAO/Clerk – Update on St. Columban Wind Project

CAO/Clerk Brad Knight reviewed his report and provided an update on the St. Columban Wind Project.

Public Works Coordinator – Asphalt Tenders

The following tenders were received before noon on July 31st, 2014 and opened by the Deputy Mayor Joseph Steffler, Finance Manager-Treasurer/Deputy Clerk Paula Michiels and Public Works Coordinator Barry Mills.

Lavis Contracting Co. Limited	\$683,849.00
CoCo Paving Inc.	\$752,486.00

Moved by Alvin McLellan and seconded by Andrew Flowers:
That Council of the Municipality of Huron East accept the tender of Lavis Contracting Co. Ltd. in the amount of \$683,849 plus applicable taxes for Contract HE-08-2014 to provide asphalt paving as follows:

- Hensall Road (from Highway 8 to Tile Road)
- Moncrieff Road (from County Road 12 to McNabb Line)
- Harpurhey Road

Accept Tender
Lavis Contracting
HE-08-2014
Asphalt Paving

Carried.

Moved by Allison Dekroon and seconded by Alvin McLellan:
That Council of the Municipality of Huron East receive the following reports of municipal officers as presented:

- a) CAO/Clerk
- b) Public Works Coordinator

Receive
Reports

Carried.

CORRESPONDENCE

Moved by Frank Stretton and seconded by Andrew Flowers:
That Council of the Municipality of Huron East endorse the resolution of the Regional Municipality of Halton supporting the Protection of Public Participation Act, 2014 and requesting that bill 83 be re-introduced forthwith in the Legislature.
Carried.

Endorse
Resolution
Municipality of
Halton

Moved by Joseph Steffler and seconded by Frank Stretton:
That Huron East Council grant permission to United Way Perth-Huron to install a banner across Goderich Street East, Seaforth Ward, for the month of November 2014.
Carried.

Grant Permission
Hang Banner
United Way

UNFINISHED BUSINESS**NEW BUSINESS**Councillors Fisher and Marshall – Seaforth Splash Pad

Councillors Fisher and Marshall advised Council that a committee has been formed to pursue the possibility of having a splash pad located at the Seaforth Lions Club Park and Pool area. Councillor Marshall advised an estimated cost of a splash pad would be \$150,000 however a commitment by someone for the estimated annual maintenance cost of \$10,000 is required prior to proceeding further with the project. Council were also advised the Seaforth Lions Club were split on the project with one of the primary concerns being the ongoing maintenance costs.

Councillor Dekroon

Councillor Dekroon questioned the progress of the St. Columban Wind Project, specifically the following two items of concern:

- Transmission Lines – the importance of having the Electrical Safety Association (ESA) involved to help with setbacks to municipal drains and infrastructure, mitigation with fiberoptic cables with charge issues and stray voltage, and a general concern as to who has technical background to review plans and approve or advise of changes. Mayor MacLellan advised that the ESA is responsible to do inspections and provide final approval.
- Building Permits – the need to ensure assessment changes are made to reflect change of use by participating landowners who lease buildings in the project area for offices etc. and to ensure that renovations being made to the buildings are properly recorded for assessment purposes. Public Works Coordinator Barry Mills advised that copies of all building permits are forward to MPAC for assessment purposes

MUNICIPAL DRAINS**TILE DRAINAGE****FINANCIAL REPORT**

Moved by Andrew Flowers and seconded by Robert Fisher:
That Council receive the June 30th, 2014 Year-to-Date Financial Statement.
Carried.

Receive
Year-to-Date
Statement

PLANNING**INFORMATION ITEMS**

Moved by Nathan Marshall and seconded by Allison Dekroon:
That Huron East Council receive the following Board and Committee
Meeting Minutes as submitted:

Board/Committee
Meeting Minutes

- 1) Seaforth Area Fire Board – June 26th, 2014
- 2) Huron East Administrative Committee – July 29th, 2014

Carried.

CLOSED SESSION**BY-LAWS**

Moved by Frank Stretton and seconded by Joseph Steffler:
BE IT HEREBY RESOLVED that leave be given to introduce
By-Law No. 50 and 51 for 2014.

Introduce
By-Laws

By-Law 50-2014 – Amendment – Road Use Agreement – Varna Wind Inc.,
Amend By-Law 98-2014
By-Law 51-2014 – Confirm Council Proceedings

Carried

Moved by Frank Stretton and seconded by Joseph Steffler:
BE IT HEREBY RESOLVED that By-Law 50 for 2014, a by-law to amend
By-Law 98-2013 which authorizes a Road Use Agreement with Varna Wind Inc.
be given first and second readings. Carried.

Amend
By-Law 98/13
1st & 2nd readings

Moved by Les Falconer and seconded by Alvin McLellan:
BE IT HEREBY RESOLVED that By-Law 51 for 2014, 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
of Council

ADJOURNMENT

Moved by Nathan Marshall and seconded by Les Falconer:
The time now being 9:48 p.m.
That the meeting do now adjourn until September 2nd, 2014 at 7:00 p.m. Carried.

Adjournment

Bernie MacLellan, Mayor

Brad Knight, CAO/Clerk