

**MUNICIPALITY OF HURON EAST COUNCIL MEETING MINUTES
HELD IN THE COUNCIL CHAMBERS, SEAFORTH, ONTARIO
TUESDAY, DECEMBER 6th, 2016 – 7:00 P.M.**

Members Present: Mayor Bernie MacLellan, Deputy Mayor Joseph Steffler
Councillors Alvin McLellan, David Blaney, Dianne Diehl,
John Lowe, Brenda Dalton, Kevin Wilbee, Nathan Marshall,
Robert Fisher, Larry McGrath and Raymond Chartrand

Members Absent: nil

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

Kevin Morrison, Joshua Lunshof, Jessica Lunshof, Steven Smelt, Brian Barnim, Joy Ross, Alf Ross and Jim McNichol attended the meeting to hear the discussion at the public meeting for the Plan of Condominium Application on Parts 4 and 6, 22R-6187, Part Lot 24, Concession 1, McKillop/Seaforth Wards (JL Retirement Living Inc.).

Also in attendance at the meeting were Agnes Kluz and Andrzej Kluz to hear the discussion on the Silver Creek Road report. Solicitor John McKercher attended for the Closed Session portion of the meeting.

Ken Hines attended the meeting at 9:45 pm to hear the discussion on the Design Concrete severance inquiry.

CALL TO ORDER

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

CONFIRMATION OF THE AGENDA

Moved by Brenda Dalton and seconded by Robert Fisher: Adopt
Agenda
That the Agenda for the Regular Meeting of Council dated December 6th, 2016 be adopted as circulated. Carried.

DISCLOSURE OF PECUNIARY INTEREST

MINUTES OF PREVIOUS MEETING

Moved by Joseph Steffler and seconded by Raymond Chartrand: Meeting
Minutes
That Council of the Municipality of Huron East approve the following Council Meeting Minutes as printed and circulated:

a) Regular Meeting – November 15th, 2016

Carried.

PUBLIC MEETINGS/HEARINGS AND DELEGATIONS

7:03 p.m. Public Meeting – Zoning By-Law Amendment

Moved by Dianne Diehl and seconded by John Lowe: Adjourn
to
That Council of the Municipality of Huron East adjourn the regular meeting of Council Public
Meeting
at 7:03 p.m. to go into a Public Meeting to discuss the following: Zoning
Amend.

- a) Zoning By-Law Amendment Application North Part Lots 69 and 70, Horst
Concession 1, Grey Ward (Mark Horst/KML Horst Holdings Inc.)

Carried.

Council reconvened the regular meeting at 7:17 p.m.

7:17 p.m. Court of Revision – Stimore Municipal Drain Branch ‘G’ 2016

Moved by Dianne Diehl and seconded by John Lowe: Court of
Revision
That the Court of Revision for the Stimore Municipal Drain Branch ‘G’ 2016 be Stimore
opened and that Councillors McLellan, Dalton and Wilbee be appointed as the Municipal
Drain
Huron East members with Councillor McLellan acting as Chairman. Carried.

No appeals were received.

Moved by Kevin Wilbee and seconded by Brenda Dalton: Close
Court of
That the Court of Revision for the Stimore Municipal Drain Branch ‘G’ 2016 Revision
be closed. Carried.

7:18 p.m. Court of Revision – Johnston-Irvine Municipal Drain 2016

Moved by John Lowe and seconded by Dianne Diehl: Court of
That the Court of Revision for the Johnston-Irvine Municipal Drain 2016 be Revision
opened and that Councillors McLellan, Dalton and Wilbee be appointed as the Johnston-
Irvine
Huron East members with Councillor McLellan acting as Chairman. Carried. Municipal
Drain

No appeals were received.

Moved by Kevin Wilbee and seconded by Brenda Dalton: Close
Court of
That the Court of Revision for the Johnston-Irvine Municipal Drain 2016 Revision
be closed. Carried.

COUNCIL REPORTS

Councillor McLellan – Grey 160th Anniversary

Councillor McLellan advised that proceeds from the Grey 160th Anniversary were close to \$1,000 and will be split between the Ethel and Cranbrook Halls. A donation was also made to the North Woods Elementary School for their playground equipment.

Councillor Lowe – Santa Claus Parade

Councillor Lowe commended municipal staff for their efforts on the Santa Clause parade float that was in the Brussels and Seaforth parades. Councillor Lowe requested a letter of appreciation also be sent to Mr. Jack Knight for the use of his antique tractor in the parade.

County Council Reports

Deputy Mayor Steffler advised the South West LHIN has released a study that makes recommendations to the Board that 10 hospice beds be located in Huron and Perth Counties, noting 6 for Stratford and 4 for Clinton.

Mayor MacLellan – AMO Health Task Force

Mayor MacLellan advised he attended the first AMO health task force meeting and was impressed with the attendance of professionals, doctors and medical staff that understand the industry.

Notice of Motion – Mayor MacLellan

Mayor MacLellan provided a notice of motion for the next meeting to rescind a motion passed by Huron East Council declaring Huron East an unwilling host for industrial wind turbines.

Councillor McLellan – Ethel Christmas Party

Councillor McLellan advised the Ethel Community Christmas Party will be held on December 16th at 6:30 pm at the Ethel Community Centre.

CORRESPONDENCE

Moved by Robert Fisher and seconded by David Blaney: Note &
File
That Council note and file the resolution of the Township of McKellar
Resolution
petitioning the Provincial Government to include funding for fire
Township of
department infrastructure as part of the Provincial Governments Infrastructure
McKellar
Strategy to Move Ontario Forward. Carried.

PUBLIC MEETINGS/HEARINGS AND DELEGATIONS

7:30 p.m. Public Meeting – Plan of Condominium Application

Moved by Alvin McLellan and second by Brenda Dalton

Adjourn

to
 That Council of the Municipality of Huron East adjourn the regular meeting of Meeting Public
 Council at 7:30 p.m. to go into a Public Meeting to discuss the following: Plan of
 Condo.
 a) Plan of Condominium Application – Parts 4 and 6, 22R-6187, Part Lot 24,
 Application
 Concession 1, McKillop/Seaforth Wards (JL Retirement Living Inc.) JL
 Retirement
 Inc. Carried. Living

Council reconvened the regular meeting at 8:05 p.m.

ACCOUNTS PAYABLE

REPORTS & RECOMMENDATIONS OF MUNICIPAL OFFICERS

Chief Building Official – Report

The Chief Building Official Report summarizing the 2016 year-to-date building permits, zoning and tax certificates was received by Council.

CAO/Clerk – Zulk Enterprises – Silver Creek Road

CAO/Clerk Brad Knight reviewed his report to Council concerning a request from Zulk Enterprises Inc. to stop up, close and convey part of Silver Creek Road, Plan 407, Seaforth. Council were advised that the surveyor for Zulk Enterprises is currently doing other survey work in the area and a request was made that they provide a draft survey of the road allowance which is close to 1.3 acres. A request was also made that the reference plan includes a part for a 6 metre easement for the sanitary sewer coming from Alexander Street north into the JL Retirement property. It was noted that Zulk Enterprises will be required to pay for all costs associated with the closing and conveyance of the road allowance.

Moved by Larry McGrath and seconded by Nathan Marshall: Stop
 Up, Close
 That Council accept the request of Zulk Enterprises Inc. to stop up, close and
 Convey Part of
 convey part of Silver Creek Road, Plan 407, Seaforth and authorize the Silver
 Creek
 CAO/Clerk to prepare the required notice and by-law. Carried. Road

CAO/Clerk – Christmas hours and January Council meetings

CAO/Clerk Brad Knight reviewed his report to Council recommending a change in dates to the January 2017 Council meetings.

Moved by Raymond Chartrand and seconded by Dianne Diehl: January
 Council
 That the regular meetings of Council in January 2017 be held on Mtg.
 Schedule
 January 10th and 24th. Carried.

UNFINISHED BUSINESS

MUNICIPAL DRAINS

PLANNING

INFORMATION ITEMS

OTHER BUSINESS

CLOSED SESSION AND REPORTING OUT

Moved by John Lowe and seconded by Dianne Diehl:

Closed

Session

That Council of the Municipality of Huron East, pursuant to Section 239 (2) of the *Municipal Act*, adjourn the regular meeting of Council at 8:30 p.m. to go into Closed Session to discuss the following:

- i) 239(2)(c) – proposed disposition of land by the municipality (Brussels Business & Cultural Centre)
- ii) 239(2)(f) – advice that is subject to solicitor-client privilege (By-Law 89-2016)
- iii) 239(2)(b) – personal matters about an identifiable individual (CAO performance evaluation)

CAO/Clerk Brad Knight, Finance Manager-Treasurer/Deputy Clerk Paula Michiels and Solicitor John McKercher shall remain for the Closed Session.

Carried.

Moved by Raymond Chartrand and seconded by Dianne Diehl:

Resume

Regular

That Council of the Municipality of Huron East resumes the regular Council meeting at 9:47 p.m. Carried.

Council Meeting

Mayor MacLellan reported out from the Closed Session that Council had reviewed the performance review for the CAO/Clerk.

REPORTS & RECOMMENDATIONS OF MUNICIPAL OFFICERS

CAO/Clerk – Design Concrete Severance Inquiry

CAO/Clerk Brad Knight reviewed his report and provided background and a synopsis to date on the Design Concrete file, in particular the municipal lands which are part of the laneway to the closed Seaforth landfill site.

The CAO advised that in December 2013, Design Concrete had inquired about the process to sever 5 acres from a property to the east of their existing holdings but it had been

determined that the existing “laneway” adjacent to the Design Concrete property was not a municipal road allowance but was property owned by the Municipality and the proposed severance would not have frontage to an open public road allowance. He further advised that through further discussions/negotiations, it was anticipated that Birch Street would be extended east through a Development Agreement with Design Concrete to provide access to the property. He advised that a severance application has been submitted and circulated and a draft Development Agreement had been prepared, but in September, 2016, Design Concrete had submitted the concept of severing 23 acres of land and rather than extending Birch Street, was proposing a ROW to the remaining 24 acres of land. He advised that both he and Planning Department staff had advised Design Concrete that creating a parcel of land with ROW access did not comply with the Official Plan of the Municipality

Planner Claire Dodds confirmed that she had advised the solicitor for Design Concrete that a severance and access of this nature did not comply with Section 10.3.3.5(b) of the Huron East Official Plan and would not be supported by the Municipality or the Planning Department

Mayor MacLellan advised that although the potential severance may not meet the policies of the Huron East Official Plan and may not supported by Planning Department staff, that Huron County Council could still consider the severance application based on the merits of the situation.

Moved by Kevin Wilbee and seconded by Alvin McLellan: Receive
 That Huron East Council receive the following Reports of Municipal Officers Reports
 as presented: Municipal
 1) Chief Building Official Officers
 2) CAO/Clerk Carried.

BY-LAWS

Moved by Nathan Marshall and seconded by David Blaney: Introduce
 BE IT HEREBY RESOLVED that leave be given to introduce By-Laws
 By-Laws No. 35, 67, 87, 88, 89, 90, 91 and 92 for 2016.

- By-Law 35-2016 – Knechtel Municipal Drain 2016 – Branch ‘A’ (3rd reading)
- By-Law 67-2016 – Johnston Municipal Drain Branch ‘B’ (3rd reading)
- By-Law 87-2016 – Maintenance of Broadhagen Municipal Drain, Main Drain Open (1st and 2nd readings)
- By-Law 88-2016 – Authorize Sale – Parts 13 and 14, Plan 22R-1836 and Block B Plan 407, Seaforth Ward (Zulk Enterprises Inc.)
- By-Law 89-2016 – Authorize Sale/Purchase, Exchange of Lands – The Playground, Plan 406, Part Buller Street, Plan 406, Seaforth Ward (Aljack Holdings Ltd.)
- By-Law 90-2016 – Zoning Amendment – North Part Lots 69 and 70, Concession 1, Grey Ward (Mark Horst/KML Horst Holdings Ltd.)
- By-Law 91-2016 – Maintenance of the Kistner Municipal Drain (1st and 2nd readings)
- By-Law 92-2016 – Confirm Council Proceedings Carried.

- Moved** by Kevin Wilbee and seconded by Brenda Dalton: Knechtel
 BE IT HEREBY RESOLVED that By-Law 35 for 2016, a by-law to provide for Drain
 the borrowing on the credit of the Municipality the sum of \$30,500 for completion (3rd
 reading)
 of the Knechtel Municipal Drain 2016 – Branch ‘A’ be given third and final readings
 and signed by the Mayor and Clerk, and the Seal of the Corporation be affixed thereto.
 Carried.
- Moved** by Brenda Dalton and seconded by Alvin McLellan: Johnston
 Drain
 BE IT HEREBY RESOLVED that By-Law 67 for 2016, a by-law to provide for the (3rd
 reading)
 borrowing on the credit of the Municipality the sum of \$130,550 for completion of
 the Johnston Municipal Drain Branch ‘B’ be given third and final readings and signed
 by the Mayor and Clerk, and the Seal of the Corporation be affixed thereto. Carried.
- Moved** by Kevin Wilbee and seconded by Dianne Diehl: Broadhagen Drain
 BE IT HEREBY RESOLVED that By-Law 87 for 2016, a by-law to provide for the (1st & 2nd
 readings)
 maintenance of the Broadhagen Municipal Drain – Main Drain Open, be given first
 and second readings. Carried.
- Moved** by Nathan Marshall and seconded by Robert Fisher: Authorize
 Sale
 BE IT HEREBY RESOLVED that By-Law 88 for 2016, a by-law to authorize the sale Zulk
 Enterprises
 of Parts 13 and 14, Plan 22R-1836 and Block B Plan 407, Seaforth Ward (Zulk Enterprises
 Inc.) 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.
- Moved** by Nathan Marshall and seconded by Joseph Steffler: Authorize
 Exchange
 BE IT HEREBY RESOLVED that By-Law 89 for 2016, a by-law to authorize the of Lands
 sale/purchase, exchange of lands – The Playground, Part Buller Street, Plan 406, Aljack
 Holdings
 Seaforth Ward (Aljack Holdings Ltd.) 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.
- Moved** by Dianne Diehl and seconded by John Lowe: Rezoning
 BE IT HEREBY RESOLVED that By-Law 90 for 2016, a by-law to amend the zoning Lots
 69/70
 on the north part of Lots 69 and 70, Concession 1, Grey Ward (Mark Horst/KML Horst Con. 1
 Grey Ward
 Holdings Ltd.) be given first, second, third and final readings and signed by the Mayor Mark
 Horst

and Clerk, and the Seal of the Corporation be affixed thereto. Carried.

Moved by Kevin Wilbee and seconded by Alvin McLellan:

Kistner

Drain

BE IT HEREBY RESOLVED that By-Law 91 for 2016, a by-law to authorize readings) maintenance of the Kistner Municipal Drain be given first and second readings. Carried.

(1st & 2nd)

CONFIRMATORY BY-LAW

Moved by Raymond Chartrand and seconded by Larry McGrath:

Confirm
Council

BE IT HEREBY RESOLVED that By-Law 92 for 2016, a by-law to confirm the proceedings of Council, be given first, second, third and final readings and signed Proceedings by the Mayor and Clerk, and the Seal of the Corporation be affixed thereto. Carried.

ADJOURNMENT

Moved by Raymond Chartrand and seconded by Larry McGrath:

Adjournment

The time now being 10:35 p.m.

That the meeting do now adjourn until December 20th, 2016 at 7:00 p.m. Carried.

Bernie MacLellan, Mayor

Brad Knight, CAO/Clerk