

The first regular Council meeting for the month of March for the Municipality of North Perth was held on Monday, March 2<sup>nd</sup>, 2009.

Members of Council Present:

Mayor Ed Hollinger  
Councillor Jeff Bannerman  
Deputy Mayor Julie Behrns  
Councillor Paul Horn  
Councillor David Johnston  
Councillor Doug Kellum  
Councillor Robert Martin  
Councillor Randy Pettapiece  
Councillor Meredith Schneider  
Councillor Terry Seiler

Staff of the Municipality of North Perth Present:

Director of Public Works Matt Ash  
Clerk Patricia Berfelz  
Director of Finance/Treasurer Frances Hale  
Compliance Officer Mark Hackett  
Director of Recreation Steve Hardie  
Perth County Planner Allan Rothwell  
Deputy Clerk Danette Beare

Media coverage was provided by Andrew Smith, Reporter for the Listowel Banner and Shelley Miller-Cameron, Reporter for CKNX.

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

RESOLUTION: 95.03/09

It was moved by: Meredith Schneider, Seconded by: Julie Behrns

THAT:

The Agenda for tonight's meeting, as amended be approved.

**CARRIED**

Mayor Hollinger invited members of Council to disclose a pecuniary interest with items on the Agenda at any time.

Councillor Dave Johnston indicated he had a pecuniary interest with item 7.4 of the agenda. He is a landowner assessed on the Coleman Municipal Drain.

Councillor Jeff Bannerman indicated he had a pecuniary interest with the Public Meeting regarding Lot 6 Plan 44M-31 and the related by-law item 7.1 on the agenda. He has clients associated with the project.

RESOLUTION: 96.03/09

It was moved by: Robert Martin, Seconded by: Dave Johnston

THAT:

The minutes of the February 9<sup>th</sup>, 2009 regular Council meeting as printed and earlier distributed, be approved and signed by the Mayor and the Clerk.

CARRIED

Councillor Jeff Bannerman left the meeting.

RESOLUTION: . 97.03/09

It was moved by: Doug Kellum, Seconded by: Dave Johnston

THAT:

The Council of the Municipality of North Perth will proceed to a Public Meeting concerning a Zoning By-law Amendment application affecting property in the Municipality of North Perth described as Lot 6, Registered Plan No. 44M-31 owned by the Municipality of North Perth under an offer of purchase and sale from StormFisher Ltd.

CARRIED

The minutes are attached as Schedule "A".

Councillor Jeff Bannerman returned to the meeting.

Mark Hackett, Compliance Officer introduced Paul Kamber from the Municipal Health and Safety Association to the meeting. Mr. Kamber provided Council with information regarding its roles and responsibilities with regards to the Occupational Health and Safety Act.

RESOLUTION: 99.03/09

It was moved by: Jeff Bannerman, Seconded by: Randy Pettapiece

THAT:

The Council of the Municipality of North Perth will receive for information the following Committee/Board Reports:

- i) February 19<sup>th</sup> County Council Report
- ii) Mayors Report for the month of February
- iii) Listowel Business Improvement Area Committee January 13<sup>th</sup> minutes
- iv) North Perth Public Library Board Meeting January 13<sup>th</sup> minutes
- v) Recreation Advisory Committee Meetings January 21<sup>st</sup> and February 18<sup>th</sup> minutes
- vi) Elma Logan Arena & Park Committee Meeting December 18<sup>th</sup> minutes
- vii) North Perth Planning Advisory Committee Meeting February 24<sup>th</sup> minutes
- viii) North Perth Animal Control – Canine Report for the month of February

CARRIED

Patricia Berfelz, Clerk reviewed a report regarding a sign request from Only Sports.

RESOLUTION: .03/09

It was moved by: Paul Horn, Seconded by: Terry Seiler

THAT:

The Council of the Municipality of North Perth approve the request by Only Sports/The Sports Exchange to allow for the placement of the incidental fascia sign at 241 Main Street E, Listowel, in a location described in letter of request.

CARRIED

Patricia Berfelz, Clerk provided Council with an update regarding the Ontario Municipal Board Hearing held on Tuesday February 24<sup>th</sup>, 2009 regarding an appeal to the Ameribuild Subdivision and Argiloff Engineering Zoning By-law Amendment for property described as Part Lot 34, Concession 1 Listowel.

Frances Hale, Director of Finance/Treasurer reviewed the Development Charges Reserve Fund report.

RESOLUTION: 101.03/09

It was moved by: Paul Horn, Seconded by: Randy Pettapiece

THAT:

The Council of the Municipality of North Perth accepts the “Municipality of North Perth Development Charges Reserve Fund as of December 31<sup>st</sup>, 2008” report.

CARRIED

Frances Hale, Director of Finance/Treasurer showed a video entitled “Listowel’s Darkest Day” from [www.therecord.com](http://www.therecord.com) with regards to the collapse of Listowel Arena roof in 1959 and reviewed the report regarding the “Friends of the 1959 Crest”.

RESOLUTION: 102.03/09

It was moved by: Robert Martin, Seconded by: Dave Johnston

THAT:

The Council of the Municipality of North Perth approve the 2009 levy request from the Grand River Conservation Authority for \$2,112.00.

CARRIED

RESOLUTION: 103.03/09

It was moved by: Julie Behrns, Seconded by: Terry Seiler

THAT:

The Council of the Municipality of North Perth approve the 2009 levy request from the Maitland Valley Conservation Authority for \$184,354.00 and the Flood Plain Mapping Project for a net cost to the municipality of \$11,000.00.

CARRIED

RESOLUTION: 104.03/09

It was moved by: Julie Behrns, Seconded by: Meredith Schneider

THAT:

The Council of the Municipality of North Perth approve the tendering of Operational Functions and Capital Projects:

- |                                 |              |
|---------------------------------|--------------|
| 1. Maintenance Gravel           | \$310,000.00 |
| 2. Dust Control                 | \$179,000.00 |
| 3. Asphalt Paving               | \$895,000.00 |
| 4. Sidewalk Replacement         | \$ 40,000.00 |
| 5. Equipment Replacement        | \$265,000.00 |
| 6. Woodview/Parkview Watermains | \$300,000.00 |
| 7. Hilpert Bridge Replacement   | \$546,351.00 |

conditional on final Council or Budget approval.

CARRIED

Councillor Randy Pettapiece, Chair for the North Perth 2009 Budget Committee indicated that the next budget meeting date will be changed to Monday, March 30<sup>th</sup>, 2009.

Matt Ash, Director of Public Works reviewed a report regarding a request from residents to purchase a portion of Road 154.

RESOLUTION: 105.03/09

It was moved by: Robert Martin, Seconded by: Dave Johnston

THAT:

The Council of the Municipality of North Perth directs staff to proceed with the process to declare surplus and offer for sale Road 154 between Line 81 and Line 84 to adjacent landowners.

CARRIED

Matt Ash, Director of Public provided Council with the 2009 Well Reports for the municipal water systems.

RESOLUTION: 106.03/09

It was moved by: Jeff Bannerman, Seconded by: Terry Seiler

THAT:

The Council of the Municipality of North Perth receives for information the 2008 Summary Reports for the Gowanstown Subdivision Well Supply, Atwood Well Supply, Listowel Well Supply and Molesworth Well Supply.

CARRIED

RESOLUTION: 107.03/09

It was moved by: Jeff Bannerman, Seconded by: Doug Kellum

THAT:

The Council of the Municipality of North Perth accepts the resignation with regret from Matt Ash, Director of Public Works.

CARRIED

## RESOLUTION: 108.03/09

It was moved by: Robert Martin, Seconded by: Paul Horn

THAT:

The following accounts are approved for payment:

General Administration	132,073.02
Business Improvement Association	50.85
Cemetery	440.49
Fire-Administration	1,868.67
Fire-Atwood Department	5,159.19
Fire-Elma Logan Department	2,424.21
Fire-Listowel Department	4,344.23
Day Care	12,710.35
Library	10,504.80
Police	156,911.50
Public Works & Sanitation-Capital	168,550.28
Public Works & Sanitation	234,003.28
Recreation	46,217.19
Payroll - February 20, 2009	101,624.99
Total	<u>876,883.05</u>

CARRIED

## RESOLUTION: 110.03/09

It was moved by: Dave Johnston, Seconded by: Randy Pettapiece

THAT:

The Council of the Municipality of North Perth appoint Marvin Smith as the Municipality of North Perth's Weed Inspector for 2009.

CARRIED

## RESOLUTION: 111.03/09

It was moved by: Jeff Bannerman, Seconded by: Meredith Schneider

THAT:

The Council of the Municipality of North Perth approves the recommendation from the North Perth Planning Advisory Committee to recommend to the County Land Division Committee that the Application for Consent by H &amp; J Donegan Holdings Inc. (No. B1/09) on property described as Lots 70, 71, and 72, Reg. Plan 44M-33 (Wood Drive, Listowel Ward) in the Municipality of North Perth be approved, subject to the following:

- 1) the severed land being deeded to the abutting property owner to the north (Lot 70);
- 2) the retained land being deeded to the abutting property owner to the south (Lot 72);
- 3) Section 50 (3)/(5) of the Planning Act applying to all future severances involving either the severed and/or retained lands;
- 4) the mortgages being amended (if required) for both the severed and retained lands;
- 5) the financial conditions of the Municipality of North Perth being met (if any);  
and

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Resolution Cont'd from page (487)

- 6) a revised lot grading and drainage plan being submitted to, and approved by the Municipality of North Perth for the enlarged Lot 70 and Lot 72.

CARRIED

RESOLUTION: 112.03/09

It was moved by: Paul Horn, Seconded by: Randy Pettapiece

THAT:

The Council of the Municipality of North Perth approves the recommendation from the North Perth Planning Advisory Committee to recommend to the County Land Division Committee that the Application for Consent to Sever by Lynn and Tom Kerr (No. B3/09) affecting property described as Part of Lot 28, Concession 2 (6125 Line 87, Wallace Ward, ) in the Municipality of North Perth be approved, subject to the following conditions:

1. Section 50 (3)/(5) of the Planning Act applying to all future severances involving the severed lands;
2. The severed land being deeded in the same name to the abutting property owner (Lynn Kerr);
3. The mortgages being amended (if required) for both the severed and retained lands; and
4. An amendment to the Municipality of North Perth Zoning By-law to recognize the deficient lot frontage and lot area of the enlarged parcel, and the reduced lot area for the retained lands.

DEFEATED

RESOLUTION: 112.03/09

It was moved by: Meredith Schneider, Seconded by: Dave Johnston

THAT:

The Council of the Municipality of North Perth approves the recommendation from the North Perth Planning Advisory Committee to recommend to County Council to proceed with an amendment to the Section 5.5.7 policies of the County Official Plan (i.e. Secondary Farm occupation use policies) as noted on the Draft OPA text prepared by Dave Hanly, Director of Planning and Development on January 21<sup>st</sup>, 2009 as follows:

- (a) A secondary farm occupation use **must** be secondary to the principal use of the farm property for farming purposes, ***with the principal farming use being conducted by the farm family residing on the farm.*** ***The secondary farm occupation use*** must be established as and continue to operate as part of the farm unit. Secondary farm occupation uses are not permitted as separate or independent uses from a farm operation. They must be located within the farm building cluster and be served by existing farm driveways. The severance of a secondary farm occupation use from a farm property shall not be permitted; and
- (j) Local municipalities are responsible for monitoring secondary farm occupation uses to ensure that they continue to operate as secondary farm occupation uses in accordance with the criteria set out in this Plan. It is a policy of this Plan that any secondary farm occupation

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Resolution Cont'd from page (488)

use that develops or grows beyond the secondary farm occupation use criteria established by this Plan ***is not permitted and*** shall be required

to cease at its farm property location. *Where this situation arises, the use* should be encouraged to re-locate in a nearby settlement area (e.g. hamlet, village, serviced urban area).

AND FURTHER THAT:

It is strongly recommended that Sections (b) and (d) **shall not** be amended to increase the number of off-farm resident employees and maximum floor area.

CARRIED

Councillor Jeff Bannerman left the meeting.

RESOLUTION: 113.03/09

It was moved by: Paul Horn, Seconded by: Doug Kellum

THAT:

By-law No. 42-2009 being a By-law to amend Comprehensive Zoning By-law No. 6-ZB-1999 for property described as Lot 6, Registered Plan 44M-31, be introduced, read and considered read a first, second and third time and be finally passed and that the said By-law be signed by the Mayor and the Clerk and sealed with the seal of the Corporation.

CARRIED

Councillor Jeff Bannerman returned to the meeting.

RESOLUTION: 114.03/09

It was moved by: Julie Behrns, Seconded by: Randy Pettapiece

THAT:

By-law No. 48-2009 being a By-law to withdraw funds from the Development Charges Reserve, be introduced, read and considered read a first, second and third time and be finally passed and that the said By-law be signed by the Mayor and the Clerk and sealed with the seal of the Corporation.

CARRIED

RESOLUTION: 115.03/09

It was moved by: Paul Horn, Seconded by: Terry Seiler

THAT:

By-law No. 37-2009 being a By-law to authorize the signing of an agreement with Killam Investments Inc. and Lunor Group Inc., be introduced, read and considered read a first, second and third time and be finally passed and that the said By-law be signed by the Mayor and the Clerk and sealed with the seal of the Corporation.

CARRIED

Councillor Dave Johnston left the meeting.

RESOLUTION: 116.03/09

It was moved by: Meredith Schneider, Seconded by: Jeff Bannerman

THAT:

By-law No. 49-2009 being a By-law to amend By-law No. 45-2007 (Coleman Municipal Drain) be introduced, read and considered read a first, second and third time and be finally passed and that the said By-law be signed by the Mayor and the Clerk and sealed with the seal of the Corporation.

CARRIED

Councillor Dave Johnston returned to the meeting.

RESOLUTION: 117.03/09

It was moved by:, Seconded by:

THAT:

This Committee proceed “In Camera” at 9:10 p.m. to address a matter pertaining to:

- personal matters about an identifiable individual, including municipal or local board employees; and
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

CARRIED

RESOLUTION: 118.03/09

It was moved by: Randy Pettapiece, Seconded by: Paul Horn

THAT:

The “In Camera Session” is now adjourned 9:45 p.m. and the Council reconvene into regular open Council.

CARRIED

RESOLUTION: 119.03/09

It was moved by: Doug Kellum, Seconded by: Paul Horn

THAT:

The North Perth Human Resources Committee consisting of Mayor Hollinger, Deputy Mayor Behrns and Councillor Johnston be appointed as an Ad Hoc Committee of Council to be responsible for the hiring of a Public Works Director;  
AND FURTHER THAT:

Schedule ‘A’ of North Perth By-law 150-2008 being a by-law to appoint Boards and Committees be amended to include the Human Resources Committee;

AND FURTHER THAT:

The Clerk prepare correspondence to be sent to William Arthur, CAO, County of Perth requesting HR support for the hiring of a North Perth Director of Public Works.

CARRIED

RESOLUTION: 120.03/09

It was moved by: Dave Johnston, Seconded by: Robert Martin

THAT:

By-law No. 50-2009, being a By-law to confirm generally previous actions of the Council of the Municipality of North Perth; be introduced, read and considered read a first, second and third time and be finally passed and that the said By-law be signed by the Mayor and the Clerk and sealed with the seal of the Corporation.

CARRIED

RESOLUTION: 121.03/09

It was moved by: Paul Horn, Seconded by: Jeff Bannerman

THAT:

The Council meeting do now adjourn to meet again for general Council business on Monday, March 16<sup>th</sup>, 2009 at 7:00 p.m.

CARRIED

The meeting adjourned at 9:47 p.m.

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M A Y O R

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C L E R K

**SCHEDULE "A" TO THE MINUTES DATED  
March 2<sup>nd</sup>, 2009**

RECORD OF PROCEEDINGS OF THE PUBLIC MEETING HELD IN THE MUNICIPALITY OF NORTH PERTH COUNCIL CHAMBERS ON MONDAY, MARCH 2<sup>ND</sup>, 2009 AT 7:05 P.M.

The purpose of the Public Meeting was to consider an amendment to the Town of North Perth's Zoning By-law 6-ZB-1999 for property described as Lot 6, Registered Plan 44M-31.

Present for the Public Meeting were members of Council. Mayor Hollinger was the Chairperson.

The Chairperson called on the Clerk, Patricia Berfelz to explain the public notice circulation procedure. Mrs. Berfelz indicated the notices inviting persons to the public meeting were mailed on February 10<sup>th</sup>, 2009 by first class mail to landowners within 120 meters of the area and the applicable agencies. The notice was posted by the Building Department on February 10<sup>th</sup>, 2009, on the subject property and the municipal website advising of the Public Meeting to consider the Zoning By-law Amendment.

Chairperson Hollinger requested Allan Rothwell, County Planner to comment on the application to amend the Town of North Perth's Zoning By-law.

Mr. Rothwell explained the purpose of the application is to amend the by-law which will allow for an increase in height for three tanks on the proposal.

Chairperson Hollinger requested anyone to speak in favour of this application. No one responded.

Chairperson Hollinger requested anyone to speak in opposition to this application. No one responded.

Mrs. Berfelz indicated that correspondence had been received from Nathan Garland, Environmental Planner, Maitland Valley Conservation Authority indicating they have no concerns with the application and the County of Perth Planning and Development Department recommending approval.

Pearce Fallis on behalf of StormFisher Limited indicated that they were in the process of receiving Certificates of Approval from the Ministry of Environment which will address concerns regarding odour and environmental impact on neighbouring lands.

Others were given opportunity to comment. John VanWinden owner of Lot 20, Concession 2 Elma Ward indicated he had concerns with odour, property values and the possibility of explosion on site. Don Yeo expressed concerns with odour and circulation of notice.

Mr. Fallis indicated that oxygen is not present where the gas is located therefore the chance of explosion is very minimal.

Members of Council were given opportunity for comments.

The Chairperson asked Mr. Rothwell to explain the available options and rights of appeal to the public and Council.

RESOLUTION: 98.03/09

It was moved by: Terry Seiler, Seconded by: Paul Horn

THAT:

The Council of the Municipality of North Perth will hereby close the Public Meeting concerning a Zoning By-law Amendment application affecting property in the Municipality of North Perth described as Lot 6, Registered Plan No. 44M-31 owned by the Municipality of North Perth under an offer of purchase and sale from StormFisher Ltd.

CARRIED

There being no further comments, the Chairman declared the Public Meeting closed at 7:24 p.m.

Patricia Berfelz  
Clerk  
Municipality of North Perth