

The second regular Council meeting for the month of August for the Municipality of North Perth was held on Monday, August 24<sup>th</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:

Clerk Patricia Berfelz  
Fire Chief Ed Smith  
Director of Recreation Steve Hardie  
Perth County Planner Allan Rothwell  
Chief Building Official Ed Podniewicz  
Clerk/Building Administrative Assistant Tabitha Holliday

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: 396.08/09

It was moved by: David Johnston, Seconded by: Terry Seiler

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.

RESOLUTION: 397.08/09

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

THAT:

The minutes of the August 10<sup>th</sup>, 2009 regular Council meeting as printed and earlier distributed, be approved and signed by the Mayor and the Clerk.

CARRIED

**RESOLUTION: 398.08/09**

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

**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 Part Lot 35, Concession 7, Wallace Ward owned by the Larry and Terri Kraus.

**CARRIED**

The minutes are attached as Schedule "A".

**RESOLUTION: 400.08/09**

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

**THAT:**

The Council of the Municipality of North Perth will proceed to a Public Meeting concerning an Official Plan Amendment and a Zoning By-law Amendment application affecting properties in the Municipality of North Perth owned by Wallaceview Developments Ltd. and H & J Donegan Holdings Inc.

**CARRIED**

The minutes are attached as Schedule "B".

**RESOLUTION: 402.08/09**

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

**THAT:**

The Council of the Municipality of North Perth will proceed to a Public Meeting to consider the Drainage Report for the Martin-Joye Drain.

**CARRIED**

**RESOLUTION: 403.08/09**

It was moved by: Paul Horn, Seconded by: Meredith Schneider

**THAT:**

The Council of the Municipality of North Perth will hereby close the Public Meeting to consider the Drainage Report for the Martin-Joye Drain.

**CARRIED**

A Public Meeting was held at 7:19 p.m. to consider the Engineer's Report prepared by K. Smart Associates Limited, Consulting Engineers & Planners dated July 31, 2009 for the Martin-Joye Municipal Drain 2009. Ken Smart reviewed the report. No one spoke in favour of the report. No one spoke in opposition of the report. Council was given an opportunity to ask questions. The public meeting was declared closed at 7:31 p.m.

Mayor Hollinger welcomed Mr. Russell Danbrook, President of Lone Oak Properties to the meeting.

Russell Danbrook expressed concerns regarding the time of collection of Development Charges and requested that it can be changed under the proposed

Development Charges By-Law to better encourage economic development within the Municipality.

Mayor Hollinger welcomed Mr. Harry Donegan of Donegan's Haulage Ltd. & Ready Mix to the meeting.

Harry Donegan expressed similar concerns and supported the views expressed by Russell Danbrook.

Mayor Hollinger advised that Mr. Ron Scott would not be presenting his delegation upon legal advice.

RESOLUTION: 404.08/09

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

THAT:

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

- i) August 13<sup>th</sup> County Council Report
- ii) North Perth Police Services Board July 21<sup>st</sup> minutes
- iii) North Perth Administration Building Committee August 4<sup>th</sup> minutes
- iv) Listowel Fire Station Committee August 10<sup>th</sup> minutes

CARRIED

Deputy Mayor Julie Behrns directed Fire Chief Ed Smith in conjunction with Interim Director of Public Works Gary Pipe to prepare a report on the projected operational costs the Municipality would be liable for should the County-Wide Radio System Improvements be implemented.

RESOLUTION: 405.08/09

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

THAT:

The Council of the Municipality of North Perth accept the Drainage Report for the Martin-Joye Drain.

AND FURTHER THAT:

The Court of Revision for the Martin-Joye Drain will be held on Monday, September 14<sup>th</sup>, 2009 at 6:45 p.m.

CARRIED

RESOLUTION: 406.08/09

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

THAT:

The Council of the Municipality of North Perth award the tender for the Hanna Municipal Drain Realignment to Hanna & Hamilton Construction Co. Limited for tendered cost of \$64,725 plus GST.

CARRIED

Allan Rothwell, Senior Planner explained a Site Plan Agreement with 1792270 Ontario Inc. to be considered later in the meeting.

Allan Rothwell, Senior Planner explained a Site Plan Agreement with Great Lakes Nutrition Inc. to be considered later in the meeting.

RESOLUTION: 407.08/09

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

THAT:

The Council of the Municipality of North Perth declares surplus property described as Part Lots 27 & 28, Concession 1, Elma Ward, Municipality of North Perth.

CARRIED

Councillor Meredith Schneider raised concerns about the continual presence of bait fishers on properties within the Municipality and questioned the By-law in place and enforcement. Council consensus was to direct municipal staff to write to Perth-Wellington Member of Provincial Parliament, John Wilkinson, and Perth-Wellington Member of Parliament, Gary Schellenberger to lobby the municipality's position on bait-fishing. Councillor Schneider also requested that advice be provided by staff in writing regarding the ownership of municipal drains.

Director of Recreation Steve Hardie reviewed a report on the North Perth Sports for Kids Program to be considered later in the meeting.

Nancy Neale of Watson & Associates Economists Limited and Chief Building Ed Podniewicz provided an overview of the Development Charges By-law for consideration later in the meeting and answered questions and concerns.

Councillor Randy Pettapiece provided an update on the progress of the Atwood Sewer Project, including the proposed amendments to the County Official Plan and Municipality of North Perth Zoning By-law, and the progress of the section relating to the recreation trails.

RESOLUTION: 408.08/09

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

THAT:

The Council of the Municipality of North Perth requests the County of Perth to proceed with amendments to the County Official Plan to recognize the status of municipal servicing in the Atwood Settlement Area (as per attached report from the County of Perth Planning Department, as approved by County Council).

AND FURTHER THAT:

Once the required amendments to the County Official Plan are completed, that the Municipality of North Perth proceed to initiate the necessary amendments to the Municipality of North Perth's Comprehensive Zoning By-law to place properties in the Atwood Settlement Area in the appropriate zones with suitable development regulations.

CARRIED

RESOLUTION: 409.08/09

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

THAT:

The Council of the Municipality of North Perth award the Richelieu Ave. S. water main replacement project to Omega Contracting Inc. in the amount of \$52,907.00 plus GST. This will include replacing water main, rebuilding of the road replacing some curbs and doing two lifts of asphalt.

CARRIED

RESOLUTION: 410.08/09

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

THAT:

The Council of the Municipality of North Perth will receive for information the North Perth Fire Department Reports dated August 7<sup>th</sup>, 2009

CARRIED

Councillor Paul Horn, Chair North Perth Recreation Complex Committee advised they are supporting the Listowel Kinsmen in their application for funding, and that the next proposed meeting of the Committee will be held on Tuesday, 25<sup>th</sup> August, 2009 at 7:00 p.m.

Councillor Doug Kellum, Chair Listowel Fire Station Committee advised that they are still discussing a proposed location and hope to have a decision soon. The next proposed meeting of the Committee will be held on Monday, 31<sup>st</sup> August, 2009 at 4 p.m.

Councillor Robert Martin, Chair North Perth Administration Building Committee advised that the meeting scheduled for Tuesday, 18<sup>th</sup> August, 2009 was cancelled and a tour of surrounding municipal buildings will be organized for Wednesday, 9<sup>th</sup> September, 2009 for committee members to be better able to make informed decisions on the proposed building layout. An itinerary will be provided as soon as a schedule is formed.

RESOLUTION: 411.08/09

It was moved by: Julie Behrns, Seconded by: Doug Kellum

THAT:

The Council of the Municipality of North Perth receive the report prepared by the Community Emergency Management Coordinator dated August 24, 2009; and endorse the JEPP application to provide up to 45% funding to purchase a back-up generator and support equipment for the primary Emergency Operations Centre to be located in the new Listowel Fire Station

CARRIED

## RESOLUTION: 412.08/09

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

THAT:

The following accounts are approved for payment:

General Administration	86,400.29
Business Improvement Association	12,045.60
Cemetery	852.19
Fire-Administration	255.49
Fire-Atwood Department	17,127.96
Fire-Elma Logan Department	16,120.48
Fire-Listowel Department	20,272.20
Day Care	4,972.26
Library	3,872.71
Police	169.59
Public Works & Sanitation-Capital	338,675.12
Public Works & Sanitation	122,317.15
Recreation	27,418.73
Payroll #15	121,188.80
Total	<u>771,688.57</u>

CARRIED

## RESOLUTION: 413.08/09

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

THAT:

By-law No. 94-2009, being a By-law to amend By-law No. 6-ZB-1999, 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: 414.08/09

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

THAT:

By-law No. 95-2009, being a By-law to amend The Municipality of North Perth (Listowel Ward) Official Plan, 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: 415.08/09

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

THAT:

By-law No. 96-2009, being a By-law to amend By-law No. 6-ZB-1999, 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: 416.08/09

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

THAT:

By-law No. 104-2009, being a By-law to enter into a Site Plan Agreement with 1792270 Ontario Inc., 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: 417.08/09

It was moved by: Paul Horn, Seconded by: Meredith Schneider

THAT:

By-law No. 106-2009, being a By-law to authorize the maintenance and repair of the Stege Extension Municipal Drain, 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: 418.08/09

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

THAT:

By-law No. 114-2009, being a By-law to authorize the signing of an agreement with Supervised Access Visitation & Exchange Huron-Perth, 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: 419.08/09

It was moved by: Robert Martin, Seconded by: Jeff Bannerman

THAT:

By-law No. 115-2009, being a By-law to authorize the signing of an agreement with Perth Care for Kids, 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: 420.08/09

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

THAT:

By-law No. 116-2009, being a By-law to authorize the signing of an agreement with Listowel Technology Inc., 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: 421.08/09

It was moved by: Robert Martin, Seconded by: Jeff Bannerman

THAT:

By-law No. 117-2009, being a By-law to authorize the signing of an agreement with Organic Waste Management, 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: 422.08/09

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

THAT:

By-law No. 118-2009, being a By-law to authorize the maintenance and repair of the Rock Branch Municipal Drain, 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: 423.08/09

It was moved by: Paul Horn, Seconded by: Meredith Schneider

THAT:

The Council of the Municipality of North Perth resolves to:

- a) “Whenever appropriate, request that grants, subsidies and other contributions be clearly designated by the donor as being to the benefit of existing development )or new development as applicable)”;
- b) “Adopt the assumptions contained herein as an ‘anticipation’ with respect to capital grants, subsidies and other contributions”;
- c) “Approve the capital project listing set out in Chapter 5 of the Development Charges Background Study dated July 20, 2009, subject to further annual review during the capital budget process”;
- d) “Approve the Development Charges Background Study dated July 20, 2009, as amended (if applicable)”;
- e) “Determine that no further public meeting is required”; and
- f) “Approve the Development Charge By-Law as set out in Appendix E to the Development Charges Background Study (as amended)”.

CARRIED

RESOLUTION: 424.08/09

It was moved by: Robert Martin, Seconded by: Jeff Bannerman

THAT:

By-law No. 119-2009, being a By-law for the Imposition of Development Charge, 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: 425.08/09

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

THAT:

By-law No. 120-2009, being a By-law to authorize the signing of an agreement with the Stratford and Perth County Community Foundation, 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: 426.08/09

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

THAT:

By-law No. 121-2009, being a By-law to amend By-law No. 24-2006, 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: 427.08/09

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

THAT:

By-law No. 122-2009, being a By-law to authorize the signing of an agreement with Great Lakes Nutrition Inc., 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: 428.08/09

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

THAT:

By-law No. 123-2009, being a By-law to amend By-law No. 150-2008, 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: 429.08/09

It was moved by: Meredith Schneider, Seconded by: Paul Horn

THAT:

By-law No. 125-2009, being a By-law to provide for a Drainage Works (Martin-Joye Drain), be introduced, read and considered read a first and second time and be provisionally adopted, and that the said By-law be signed by the Mayor and the Clerk and sealed with the seal of the Corporation.

CARRIED

A minute of silence was observed at the request of citizen Donald Yeo for the passing of Dr. Rex Warren's mother.

RESOLUTION: 430.08/09

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

THAT:

This Committee proceed "In Camera" at 9:20 p.m. to address a matter pertaining to:

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

CARRIED

RESOLUTION: 431.08/09

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

THAT:

The "In Camera Session" is now adjourned at 10:59 p.m. and the Council reconvene into regular open Council.

CARRIED

RESOLUTION: 432.08/09

It was moved by: Randy Pettapiece, Seconded by: Doug Kellum

THAT:

The Council of the Municipality of North Perth approves to extend the curfew of the meeting past 11:00 p.m.

CARRIED

RESOLUTION: 433.08/09

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

THAT:

This Committee proceed "In Camera" at 11:03 p.m. to address a matter pertaining to:

- security of the property of the municipality or local board;

CARRIED

RESOLUTION: 434.08/09

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

THAT:

The "In Camera Session" is now adjourned at 11:06 p.m. and the Council reconvene into regular open Council.

CARRIED

RESOLUTION: 435.08/09

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

THAT:

By-law No. 124-2009, 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 Resolution Cont'd on Page (599)

Resolution Cont'd from Page (598)

said By-law be signed by the Mayor and the Clerk and sealed with the seal of the Corporation.

**CARRIED**

**RESOLUTION: 436.08/09**

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

**THAT:**

The Council meeting do now adjourn to meet again for general Council business on Monday, September 14<sup>th</sup>, 2009 at 7:00 p.m.

**CARRIED**

The meeting adjourned at 11:10 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  
August 24<sup>th</sup>, 2009**

RECORD OF PROCEEDINGS OF THE PUBLIC MEETING HELD IN THE MUNICIPALITY OF NORTH PERTH COUNCIL CHAMBERS ON MONDAY, AUGUST 24<sup>TH</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 Part Lot 35, Concession 7, Wallace Ward owned by Larry and Terri Kraus.

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 August 4<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 August 4<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 the creation of a licensed gravel pit.

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.

No individual spoke on behalf of the applicants.

No member of the public spoke in favour or in opposition of the application.

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

Members of Council were given opportunity for comments.

RESOLUTION: 399.08/09

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

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 Part Lot 35, Concession 7, Wallace Ward owned by Larry and Terry Kraus.

CARRIED

There being no further comments, the Chairman declared the Public Meeting closed at 7:11 p.m.

Patricia Berfelz  
Clerk  
Municipality of North Perth

**SCHEDULE "B" TO THE MINUTES DATED  
August 24<sup>th</sup>, 2009**

RECORD OF PROCEEDINGS OF THE PUBLIC MEETING HELD IN THE MUNICIPALITY OF NORTH PERTH COUNCIL CHAMBERS ON MONDAY, AUGUST 24<sup>TH</sup> 2009 AT 7:12 P.M.

The purpose of the Public Meeting was to consider an amendment to the Listowel Ward Official Plan and the Town of North Perth's Zoning By-law 6-ZB-1999 for properties in the Municipality of North Perth owned by Wallaceview Developments Ltd. and H & J Donegan Holdings Inc.

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 advertised in the Listowel Banner and Independent Plus. The notice was also posted on the municipal website advising of the Public Meeting to consider the Official Plan and 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 Official Plan policies and the zoning by-law which will permit a different form of residential development on the subject properties.

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 the County of Perth Planning and Development Department recommending approval.

No individual spoke on behalf of the applicants.

No member of the public spoke in favour or in opposition of the application.

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

Members of Council were given opportunity for comments.

RESOLUTION: 401.08/09

It was moved by: Julie Behrns, Seconded by: Robert Martin

THAT:

The Council of the Municipality of North Perth will hereby close the Public Meeting concerning an Official Plan Amendment and a Zoning By-law Amendment application affecting properties in the Municipality of North Perth owned by Wallaceview Developments Ltd. and H & J Donegan Holdings Inc.

CARRIED

There being no further comments, the Chairman declared the Public Meeting closed at 7:18 p.m.

Patricia Berfelz  
Clerk  
Municipality of North Perth