

The first regular Council meeting for the month of December for the Municipality of North Perth was held on Monday, December 7th, 2009.

Members of Council Present:

Mayor Ed Hollinger
Councillor Jeff Bannerman
Deputy Mayor Julie Behrns
Councillor Paul Horn
Councillor David Johnston arrived at 7:11 p.m.
Councillor Doug Kellum
Councillor Robert Martin
Councillor Randy Pettapiece
Councillor Meredith Schneider
Councillor Terry Seiler

Staff of the Municipality of North Perth Present:

CAO Kriss Snell
Clerk Patricia Berfelz
Director of Finance/Treasurer Frances Hale
Interim Director of Public Works Gary Pipe
Chief Building Official/Zoning Administrator Ed Podniewicz
Deputy Clerk Danette Beare

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

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

RESOLUTION: 638.12/09

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

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 Schneider indicated he had a pecuniary interest with item 3.5 ii) on the Agenda.

RESOLUTION: 639.12/09

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

THAT:

The minutes of the November 16, 2009 regular Council meeting and November 30th, 2009 Special Council meeting as printed and earlier distributed, be approved and signed by the Mayor and the Clerk.

CARRIED

RESOLUTION: 640.12/09

It was moved by: Terry Seiler, Seconded by: Randy Pettapiece

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 36, Concession 6, Elma Ward owned by Heinrich and Katharina Klassen.

CARRIED

The meetings are attached as Schedule "A".

RESOLUTION: 642.12/09

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

THAT:

The Council of the Municipality of North Perth will proceed to a Public Meeting concerning a Zoning By-law "Housekeeping" Amendment initiated by The Municipality of North Perth.

CARRIED

The minutes are attached as Schedule "B".

RESOLUTION: 644.12/09

It was moved by: Robert Martin, Seconded by: Terry Seiler

THAT:

The Council of the Municipality of North Perth will proceed to a Public Meeting concerning a proposed development charges by-law amendment.

CARRIED

The minutes are attached as Schedule "C".

RESOLUTION: 646.12/09

It was moved by: Meredith Schneider, Seconded by: Terry Seiler

THAT:

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

- i) November 19th and December 3rd County Council Reports
- ii) Deputy Mayors Report for the month of November
- iii) North Perth Police Services Board Meeting October 20th minutes
- iv) Elma-Logan Recreation Complex Rehabilitation Project Advisory Committee Meeting November 5th minutes
- v) North Perth Public Library Board Meeting October 13th minutes
- vi) Recreation Advisory Committee Meeting November 25th minutes
- vii) North Perth Canine Control Report for the month of November
- viii) Listowel Fire Station Committee Meeting November 19th minutes
- ix) North Perth Planning Advisory Committee Meeting November 24th minutes

CARRIED

RESOLUTION: 647.12/09

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

THAT:

The Council of the Municipality of North Perth direct the Clerk to send a letter of opposition to County Council concerning an application by Perth South and West Perth regarding surplus farm house severances;

AND FURTHER THAT:

Councillor Meredith Schneider be a delegation on behalf of the Council of the Municipality of North Perth at the Public Meeting on December 17th, 2009.

CARRIED

Mayor Hollinger, on behalf of Council and staff welcomed Kriss Snell, the newly appointed CAO to the Municipality of North Perth.

Ed Podniewicz, Chief Building Official reviewed a report regarding the purchase of a new building department inspection vehicle. Frances Hale, Director of Finance/Treasurer reviewed a report seeking Council approval to retain the existing building department truck for the Parks & Recreation Department instead of trading it in.

Deputy Mayor Behrns and Councillor Schneider expressed their concern with the purchase of a new vehicle for the Building Department.

RESOLUTION: 648.12/09

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

THAT:

The Council of the Municipality of North Perth approve the purchase of a 2010 Kia Sportage LX V6 AWD from Hudson's Listowel Kia at a total cost of \$31,209.47 to be funded from the Building Department Reserve for \$21,040.00 and from the Parks and Recreation Reserve for \$10,169.47.

CARRIED

Allan Rothwell, County Planner reviewed a report regarding an application for Part Lot Control Exemption by Wyndham Hills Properties Ltd. for property described as Lot 24, Plan 44M-27. A by-law will be considered later in the meeting.

Councillor Terry Seiler requested that an Abandoned Building By-law be available at the December 14th Committee of the Whole Council Meeting for Council consideration.

Deputy Mayor Behrns provided information from John Wilkinson, M.P.P., regarding "Nominate a Community Sports Volunteer" to honour local sport volunteers in Perth-Wellington as Canada prepares to host the 2010 Winter Olympics. Nomination deadline: December 18th, 2009. Successful nominees will be notified on January 8th, 2010 with a celebration on January 13th, 2010 at Stratford's City Hall Auditorium from 6:00 p.m. to 8:00 p.m.

Frances Hale, Director of Finance/Treasurer reviewed a report regarding the Development Charges By-law Amendment – Other Exemptions which will require 50% of the development charges at the time a building permit is issued for garden suites and supplementary dwelling units.

RESOLUTION: 649.12/09

It was moved by: Jeff Bannerman, Seconded by: Dave Johnston

THAT:

The Council of the Municipality of North Perth approve the report *Development Charges By-law Amendment – Other Exemptions* dated November 20th, 2009;

AND FURTHER THAT:

The Council of the Municipality of North Perth determine that no additional public meeting is required.

CARRIED

Councillor Schneider left the meeting.

RESOLUTION: 650.12/09

It was moved by: Dave Johnston, Seconded by: Julie Behrns

THAT:

The Council of the Municipality of North Perth approves the application for loan under *The Tile Drainage Act* for \$32,100.00 pertaining to South Part Lot 17 Concession 9 in Wallace Ward, conditional on availability of Provincial financing.

CARRIED

RESOLUTION: 651.12/09

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

THAT:

The Council of the Municipality of North Perth approves the application for loan under *The Tile Drainage Act* for \$6,000.00 pertaining to Lot 10 Concession 12 in Elma Ward, conditional on availability of Provincial financing.

CARRIED

Councillor Schneider returned to the meeting.

Frances Hale, Director of Finance/Treasurer reviewed a report regarding the Auditor's Engagement Letter.

RESOLUTION: 652.12/09

It was moved by: Paul Horn, Seconded by: Dave Johnston

THAT:

The Council of the Municipality of North Perth authorize the Mayor and the Director of Finance/Treasurer to sign the Letter of Engagement and the letter of compliance with regard to the Federal Gas Tax with the municipal auditors for the year-end audit as of December 31st, 2009.

CARRIED

Frances Hale, Director of Finance/Treasurer reviewed a report regarding property tax write-offs.

RESOLUTION: 653.12/09

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

THAT:

The Council of the Municipality of North Perth approve the property tax, miscellaneous charges and related interest write-offs for 2009 totalling (\$278,173.21).

CARRIED

Frances Hale, Director of Finance/Treasurer reviewed a report regarding accounts receivable/NSF cheque write-offs.

RESOLUTION: 654.12/09

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

THAT:

The Council of the Municipality of North Perth approve Accounts Receivable/NSF write-offs totaling \$1,095.91.

CARRIED

Frances Hale, Director of Finance/Treasurer reviewed a report regarding development charges indexing and an increase to the percentage charged. By consensus, Council requested that the charges be left at status quo with a review at the June Committee of the Whole Council meeting.

Gary Pipe, Interim Director of Public Works reviewed a report regarding the sale of the 1996 Tandem Snow Plow.

RESOLUTION: 655.12/09

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

THAT:

The Council of the Municipality of North Perth approve the recommendation to advertise the 1996 Tandem Snow Plow for sale in the Heavy Equipment Trader as best offer with a reserve price in mind.

CARRIED

Councillor Paul Horn, Recreation Complex Committee Chair indicated that the next meeting will be held on Wednesday, December 9th, 2009 at 7:00 p.m.

Councillor Doug Kellum, Listowel Fire Station Committee Chair indicated that the sod turning will be held on December 11th, 2009 at 10:30 a.m. and the next meeting has been tentatively set for December 14th, 2009 at 4:00 p.m.

Councillor Robert Martin, Administration Building Committee Chair indicated that the due date for the RFP is December 16th and the next meeting has been tentatively set for December 21st, 2009 at 4:00 p.m.

RESOLUTION: 656.12/09

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

THAT:

The following accounts are approved for payment:

General Administration	173,829.44
Business Improvement Association	1,356.16
Cemetery	5,696.03
Fire-Administration	1,148.30
Fire-Atwood Department	1,855.26
Fire-Elma Logan Department	1,467.48
Fire-Listowel Department	9,183.31
Day Care	4,641.19
Library	9,132.47
Police	156,508.85
Public Works & Sanitation-Capital	1,501,678.41
Public Works & Sanitation	132,044.51
Recreation	118,842.70
Payroll #24	102,402.24
Total	<u>2,219,786.35</u>

CARRIED

Allan Rothwell, County Planner reviewed a report regarding applications for a right-of-way by John and Janice Chapman.

RESOLUTION: 657.12/09

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

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 Applications for Right-of-way by John and Janice Chapman (B27/09 & B28/09) on land described as Lots 3, 4, 5 & 6 and Pt. Henry St., Reg. Plan No. 253 (Main St. Atwood, Elma Ward) in the Municipality of North Perth be approved as the applications are in conformity with the policies of the County Official Plan and North Perth's Zoning By-law.

CARRIED

Allan Rothwell, County Planner reviewed a report regarding an application for consent by Judy Ethel Marie Nickel.

RESOLUTION: 658.12/09

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

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 Judy Ethel Marie Nickel (B29/09) on property described as Pt. Lot 8 west side of Albert St., Reg. Resolution Cont'd on Page (677)

Resolution Cont'd from page (676)

Plan 159 (255 Albert Ave. N., Listowel Ward) in the Municipality of North Perth be approved, subject to the financial requirements of the Municipality of North Perth being met.

CARRIED

Councillor Randy Pettapiece brought forward item 10.2 on the agenda being a letter from the City of St. Catharines and asked for Council support.

RESOLUTION: 659.12/09

It was moved by: Randy Pettapiece, Seconded by: Robert Martin

THAT:

The Council of the Municipality of North Perth supports the request from the Corporation of the City of St. Catharines urging the Prime Minister to support the Private Members Bill introduced by Welland MP Malcolm Allen asking that the Royal Canadian Legion be exempt from GST on purchases of red lapel poppies.

CARRIED

Councillor Randy Pettapiece brought forward item 11.3 on the agenda and asked staff to request the Federal Economic Development Agency for Southern Ontario to update North Perth's CAO contact information.

Councillor Jeff Bannerman brought forward item 11.8 on the agenda regarding Healthy Living and requested that a delegation be asked to attend a Council Meeting.

Councillor Bannerman made a request for Council input with regards to an option for the Accommodation Review Committee consideration at the Committee of the Whole Council Meeting.

RESOLUTION: 660.12/09

It was moved by: Robert Martin, Seconded by: Meredith Schneider

THAT:

The Council of the Municipality of North Perth amends the proposed "Housekeeping" By-law by removing the following: "any woodlots that are in the "Agricultural Zone (A)" that are greater than 1 ha (2.47 ac.) in size be rezoned "Natural Resources Environment Zone Two (NRE2)"."

DEFEATED

RESOLUTION: 661.12/09

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

THAT:

By-law No. 2-2009, being a By-law to amend the Zoning 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: 662.12/09

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

THAT:

By-law No. 168-2009, being a By-law authorizing the agreement with Monkton World's Invitational Fastball Tournament 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

RESOLUTION: 663.12/09

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

THAT:

By-law No. 169-2009, being a By-law to amend By-law No. 119-2009 respecting development charges, 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: 664.12/09

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

THAT:

By-law No. 170-2009, being a By-law to exempt from Part Lot Control, 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: 665.12/09

It was moved by:, Seconded by:

THAT:

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

- security of the property of the municipality or local board;
- a proposed or pending acquisition/sale of land for municipal or local board employees; and
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

CARRIED

RESOLUTION: 666.12/09

It was moved by: Robert Martin, Seconded by: Doug Kellum

THAT:

The "In Camera Session" is now adjourned at 10:54 p.m. and the Council reconvene into regular open Council.

CARRIED

RESOLUTION: 667.12/09

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

THAT:

The “In Camera” minutes for the November 9th meetings be approved.

CARRIED

Councillor Schneider left the meeting.

RESOLUTION: 668.12/09

It was moved by: Julie Behrns, Seconded by: Jeff Bannerman

THAT:

By-law No. 171-2009, 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: 669.12/09

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

THAT:

The Council meeting do now adjourn to meet again for general Council business on Monday, December 21st, 2009 at 7:00 p.m.

CARRIED

The meeting adjourned at 10:55 p.m.

M A Y O R

C L E R K

**SCHEDULE "A" TO THE MINUTES DATED
DECEMBER 7TH, 2009**

RECORD OF PROCEEDINGS OF THE PUBLIC MEETING HELD IN THE MUNICIPALITY OF NORTH PERTH COUNCIL CHAMBERS ON MONDAY, DECEMBER 7TH, 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 36, Concession 6, Elma Ward owned by Heinrich and Katharina Klassen.

Present for the Public Meeting were members of Council. (Councillor Johnston arrived at 7:11 p.m.) 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 November 17th, 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 November 17th, 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 to permit a secondary farm occupation use to have a maximum gross floor area of 372 m².

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.

Brian Beatty Planner for Black, Shoemaker, Robinson & Donaldson Ltd., on behalf of the owners indicated that this amendment if approved will not set a precedent as it is specific to this property which has physical constraints and restrictions for agricultural use (i.e. small parcel with 50% woodlot). He hoped that Council will see the merit of this application.

Members of Council were given opportunity for comments.

Allan Rothwell, County Planner indicated that this application had been appealed to the Ontario Municipal Board at the time Council refused to proceed

to a public meeting following the Planning Advisory Board recommendation therefore it would be inappropriate for North Perth Council to adopt the by-law at this time.

RESOLUTION: 641.12/09

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 a Zoning By-law Amendment application affecting property in the Municipality of North Perth described as Part Lot 36, Concession 6, Elma Ward owned by Heinrich and Katharina Klassen.

CARRIED

There being no further comments, the Chairman declared the Public Meeting closed at 7:17 p.m.

Patricia Berfelz
Clerk
Municipality of North Perth

**SCHEDULE "B" TO THE MINUTES DATED
DECEMBER 7TH, 2009**

RECORD OF PROCEEDINGS OF THE PUBLIC MEETING HELD IN THE MUNICIPALITY OF NORTH PERTH COUNCIL CHAMBERS ON MONDAY, DECEMBER 7TH 2008 AT 7:18 P.M.

The purpose of the Public Meeting was to consider a "Housekeeping" amendment to the Town of North Perth's Zoning By-law 6-ZB-1999.

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 November 11th, 2009 by first class mail to applicable agencies. The notice was published in the Listowel Banner on November 11th, 2009 and The Plus on November 13th, 2009. The notice was posted on the municipal website on November 11th, 2009.

Chairperson Hollinger requested Allan Rothwell, County Planner to comment on the proposed "Housekeeping" amendment to the Town of North Perth's Zoning By-law.

Mr. Rothwell explained the purpose of the application is to make a number of changes which are considered to be minor, or general in nature, and to correct mapping errors as well as replace the Key Maps with new computer generated maps.

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.

Mr. Joe Daunt landowner in Wallace Ward indicated that he was opposed to the expansion of the Natural Resources Environment Zone 2 (NRE2) to include woodlots greater than 1 ha (2.47 ac.) in size. He felt this was an infringement on his property rights and would adversely affect his farming operation.

Mr. Doug Laidlaw landowner in Elma Ward also expressed concerns with the expansion of the Natural Resources Environment Zone 2. He indicated this was an encroachment against farm property and that the County tree inspector does not work with the farmer when trying to comply with the County of Perth Forestry By-law. He asked that the farmer be able to generate enough money from his woodlot to pay property taxes.

Mrs. Berfelz indicated that correspondence had been received from the County of Perth Planning and Development Department recommending approval, Sherrie McTaggart concerned with sections of the proposed by-law and Wray Wilson from the Township of Howick indicating no concerns.

In response to concerns raised by Mr. Daunt and Mr. Laidlaw, Mr. Rothwell indicated that the expansion of the NRE2 zone was not intended to take away property

but include provisions in the zoning by-law to implement policy in the County of Perth Official Plan. He also indicated that the County of Perth Forestry By-law is in effect for all woodlots larger than 1 hectare regardless of the zoning.

Mr. Rothwell indicated that the by-law will be available later in the meeting for council consideration and explained the available options and rights of appeal to the public and Council.

Members of Council were given opportunity for comments.

Councillor Bannerman asked for clarification of the amendments regarding secondary farm occupations. Mr. Rothwell indicated that these amendments were recommended by the North Perth Planning Advisory Committee and approved by North Perth Council.

Discussion followed regarding woodlots in Agricultural Zones versus the Natural Resources Environment Zone Two (NRE2) regarding Minimum Distance Separations, permitted uses in the NRE2 zone and permissions required if trees need to be removed in order to construct a barn. Mr. Rothwell indicated that permission would be required in regards to the removal of trees for construction purposes regardless of zone.

Councillor Bannerman requested Mr. Rothwell to comment on Ms. McTaggart's concerns.

Mr. Rothwell indicated that he was unclear as to Ms. McTaggart's concerns. Section 21 includes the provision of shipping containers in agricultural, commercial and industrial zones; Section 22 refers to satellite dishes, antennae and aerials; and Section 23 refers to servicing requirements.

RESOLUTION: 643.12/09

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

THAT:

The Council of the Municipality of North Perth will hereby close the Public Meeting concerning a Zoning By-law "Housekeeping" Amendment initiated by The Municipality of North Perth.

CARRIED

There being no further comments, the Chairman declared the Public Meeting closed at 8:02 p.m.

Patricia Berfelz
Clerk
Municipality of North Perth

**SCHEDULE "C" TO THE MINUTES DATED
DECEMBER 7th, 2009**

RECORD OF PROCEEDINGS OF THE PUBLIC MEETING HELD IN THE MUNICIPALITY OF NORTH PERTH COUNCIL CHAMBERS ON MONDAY, DECEMBER 7TH 2009 AT 8:03 P.M.

The purpose of the Public Meeting was to consider an amendment to the development charges by-law.

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

Patricia Berfelz, Clerk indicated the notice of the public meeting was published in the Listowel Banner on November 18th, 2009 and The Plus on November 20th, 2009. The notice was posted on the municipal website on November 18th, 2009.

Chairperson Hollinger requested Frances Hale, Director of Finance/Treasurer to explain the purpose of the amendment.

Mrs. Hale indicated that the amendment pertained to temporary dwelling units under the Development Charges By-law Section 3.7 Other Exemptions.

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 J. Albert Hutton regarding development charges collected for new construction.

Mrs. Hale indicated that a report and proposed by-law is available for consideration later in the meeting.

RESOLUTION: 645.12/09

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

THAT:

The Council of the Municipality of North Perth will hereby close the Public Meeting concerning a proposed development charges by-law amendment.

CARRIED

There being no further comments, the Chairman declared the Public Meeting closed at 8:12 p.m.

Patricia Berfelz
Clerk
Municipality of North Perth