



## Council Minutes September 1, 2020

Township of Ashfield-Colborne-Wawanosh Council met in regular session on the 1<sup>st</sup> day of September 2020, at 9:00 a.m. through Zoom, an online video conferencing platform.

This meeting was held electronically as per By-Law #52-2020, Section 3.10 which allows for Electronic Participation of Council Meetings.

The following individuals were participants during the Council Meeting:

Mayor  
Deputy Mayor  
Councillors

Glen McNeil  
Roger Watt  
Gloria Fisher  
Wayne Forster  
Jennifer Miltenburg  
Anita Snobelen  
Bill Vanstone

Staff Present

CAO/Deputy-Clerk  
Treasurer  
Chief Building Official  
Public Works Superintendent  
Clerk

Mark Becker  
Ellen McManus  
Brett Pollock  
Brian Van Osch  
Florence Witherspoon

OTHERS PRESENT VIA ZOOM (Viewing and Observing Only): Celina Whaling-Rae, Dave Wellington, Jason Otten, John Ariens, and Anita Frayne.

### 1.0 **CALL TO ORDER**

The municipality will be recording this meeting to “ensure meetings can be open to the public”.

### 2.0 **DISCLOSURE OF PECUNIARY INTEREST / POTENTIAL CONFLICT OF INTEREST**

None disclosed.

### 3.0 **ADOPTION OF PREVIOUS MEETING MINUTES**

#### 3.1 Council Meeting Minutes – August 11, 2020

Moved by Miltenburg  
Seconded by Vanstone

ADOPT  
COUNCIL  
MINUTES

#1

THAT Ashfield-Colborne-Wawanosh Township Council hereby adopts the August 11, 2020 Council Meeting Minutes as written.

Carried.

### 4.0 **OPEN FORUM (items pertaining to the agenda)**

None.

### 5.0 **DELEGATIONS**

#### 5.1 9:00 a.m. – Celina Whaling-Rae / County of Huron Planner

A) Jason & Julie Otten Zoning By-Law Amendment Application #Z02-20

B) The Andersons Canada Ltd. (IBI Group) Zoning By-Law Amendment Application #Z03-20

Moved by Forster  
Seconded by Fisher

ADJOURN  
COUNCIL  
MEETING

#2

THAT Ashfield-Colborne-Wawanosh Township Council hereby adjourns their regular Council Meeting.

Carried.

Moved by Miltenburg  
Seconded by Snobelen

OPEN  
PUBLIC  
MEETING

#3

THAT Ashfield-Colborne-Wawanosh Township Council hereby opens the Planning Advisory Committee Public Meeting to deal with Zoning By-Law Amendment Applications received from Jason/Julie Otten, and the Andersons Canada Ltd. (IBI Group).

Carried.

A) Jason & Julie Otten Zoning By-Law Amendment Application #Z02-20

We have provided Council with the report prepared by the County Planner, Celina Whaling-Rae, in regards to this Zoning By-Law Amendment. Ms. Whaling-Rae reviewed the application with the Planning Advisory Committee.

**TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH PLANNING ADVISORY COMMITTEE MEETING**

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**Call to order**

**Declaration of Pecuniary Interests**

None declared.

**Purpose**

The purpose of this Public Meeting is to consider changing the zoning on the property at Concession Maitland, Part Lot 29, (Colborne Ward) in the Township of Ashfield-Colborne-Wawanosh.

**Requirement**

This Public Meeting is being held under The Planning Act, which requires that Council hold at least one Public Meeting and that proper notice be given.

**Application Process**

An application was submitted by Jason and Julie Otten to the Township of Ashfield-Colborne-Wawanosh and considered complete on July 20, 2020.

Notice of the Public Meeting was mailed by the municipality to all property owners within 400 feet of the property on August 12, 2020 and notice was posted on the subject property.

**Comments:**

- 1) Huron County Planner

Ms. Whaling-Rae reviewed the planning application with the Planning Advisory Committee. It was agreed to by the applicant to increase the setbacks that were provided in the original by-law. The by-law has been amended to reflect the amended setbacks. The setbacks are minor therefore no further notice is required.

- 2) Applicant and/or Agent

None.

## 3) Others

None.

## 4) Council's Questions and/or Comments

Councillor Gloria Fisher and Councillor Wayne Forster asked for clarification about the proposed road. The road will be built up with a possible turn around by the applicant and at the applicants expense.

**NOTE:** If a person or public body that files an appeal of a decision of ACW Township in respect to the proposed rezoning, but does not make written or oral submissions before the proposed rezoning is adopted, the Local Planning Appeal Tribunal (LPAT) may dismiss all or part of the appeal.

### **Zoning By-law Procedure Following Public Meeting**

- This is a Public Meeting, not a Council Meeting; therefore, a decision of Council may or may not be made later this morning.
- If the By-law is passed, the Clerk must send Notice of the Passing of the By-law to all persons notified of this meeting and to any person or public body that has requested it.
- There is a 20-day objection period from the time Notice of Passing has been mailed, where submissions will be received by the Clerk.
- If an objection is received, an appeal is lodged with the Local Planning Appeal Tribunal (LPAT) and the Municipality no longer has jurisdiction of the file and/or the processing time. You may only file an appeal if you have submitted oral or written comments prior to the decision of Council.
- The fee for filing an appeal is \$1,100.00 payable by Certified Cheque or Money Order in Canadian funds, made out to the Minister of Finance, and must be accompanied by Appellant Form (A1).
- If Council does not pass the by-law, the applicant may appeal to the LPAT.
- If the By-law is passed and no objections are received within the 20-day appeal period, the Clerk will certify that the By-law is in force and effect as of the date of its passing and Notice is forwarded to the Planning Department and to the applicant.

### **Recommendation of the Huron County Planner**

It is recommended that Zoning By-Law Amendment Application #Z02-20 be approved.

### **Recommendation of the Planning Advisory Committee**

It is recommended that Zoning By-Law Amendment Application #Z02-20 be approved.

### **Effect of Public and Agency Comments on Decision of Council to the Application**

Public comments were received on the issue of the setbacks. The comments were addressed through changes to the text of the amendment.

Agency comments were received in support of the application, the effect of which resulted in a decision to approve the application.

B) The Andersons Canada Ltd. (IBI Group) Zoning By-Law Amendment  
Application #Z03-20

We have provided Council with the report prepared by the County Planner, Celina Whaling-Rae, in regards to this Zoning By-Law Amendment. Ms. Whaling-Rae reviewed the application with the Planning Advisory Committee.

**TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH PLANNING ADVISORY  
COMMITTEE MEETING**

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**Call to order**

**Declaration of Pecuniary Interests**

None declared.

**Purpose**

The purpose of this Public Meeting is to consider changing the zoning on a portion of the property at 35441 Dungannon Road, Part of Lot 3, Concession 4 WD of Part of Road Allowance Between Lots 3 & 4 (Ashfield Ward) in the Township of Ashfield-Colborne-Wawanosh.

**Requirement**

This Public Meeting is being held under The Planning Act, which requires that Council hold at least one Public Meeting and that proper notice be given.

**Application Process**

An application was submitted by Andersons Canada Ltd. to the Township of Ashfield-Colborne-Wawanosh and considered complete on July 20, 2020.

Notice of the Public Meeting was mailed by the municipality to all property owners within 400 feet of the property on August 5, 2020 and notice was posted on the subject property.

**Comments:**

1) Huron County Planner

Ms. Whaling-Rae reviewed the planning application with the Planning Advisory Committee.

2) Applicant and/or Agent

John Ariens on behalf of the applicant addressed Council with respect to the Zoning Amendment.

3) Others

None.

4) Council's Questions and/or Comments.

Councillor Jennifer Miltenburg wanted clarification on what triggered the application and as a result of a merger was taking place.

Councillor Anita Snobelen wanted to know of any negative effects that this application may create. No concerns were noted and that Site Plan Control will be in affect if changes are proposed in the future.

**NOTE:** If a person or public body that files an appeal of a decision of ACW Township in respect to the proposed rezoning, but does not make written or oral submissions before the proposed rezoning is adopted, the Local Planning Appeal Tribunal (LPAT) may dismiss all or part of the appeal.

### **Zoning By-law Procedure Following Public Meeting**

- This is a Public Meeting, not a Council Meeting; therefore, a decision of Council may or may not be made later this morning.
- If the By-law is passed, the Clerk must send Notice of the Passing of the By-law to all persons notified of this meeting and to any person or public body that has requested it.
- There is a 20-day objection period from the time Notice of Passing has been mailed, where submissions will be received by the Clerk.
- If an objection is received, an appeal is lodged with the Local Planning Appeal Tribunal (LPAT) and the Municipality no longer has jurisdiction of the file and/or the processing time. You may only file an appeal if you have submitted oral or written comments prior to the decision of Council.
- The fee for filing an appeal is \$1,100.00 payable by Certified Cheque or Money Order in Canadian funds, made out to the Minister of Finance, and must be accompanied by Appellant Form (A1).
- If Council does not pass the by-law, the applicant may appeal to the LPAT.
- If the By-law is passed and no objections are received within the 20-day appeal period, the Clerk will certify that the By-law is in force and effect as of the date of its passing and Notice is forwarded to the Planning Department and to the applicant.

### **Recommendation of the Huron County Planner**

It is recommended that Zoning By-law Amendment Application #Z03-20 be approved.

### **Recommendation of the Planning Advisory Committee**

It is recommended that Zoning By-law Amendment Application #Z03-20 be approved.

### **Effect of Public and Agency Comments on Decision of Council to the Application**

No public comments were received on this application so there was no effect on the decision.

Agency comments were received in support of the application, the effect of which resulted in a decision to approve the application.

### **Adjournment**

That there being no further business, the Public Meeting be hereby closed at 9:30 a.m.

Moved by Vanstone  
Seconded by Miltenburg

CLOSE  
PUBLIC  
MEETING

#4

THAT Ashfield-Colborne-Wawanosh Township Council hereby closes the Planning Advisory Committee Public Meeting.

Carried.

Moved by Vanstone  
Seconded by Miltenburg

RECONVENCE  
COUNCIL  
MEETING

#5

THAT Ashfield-Colborne-Wawanosh Township Council hereby reconvenes their regular Council Meeting.

Carried.

Moved by Watt  
Seconded by Miltenburg

NO FURTHER NOTICE IS REQUIRED (OTTEN ZONING APPLICATION) #6

WHEREAS Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh has held a Public Meeting pursuant to Section 34(12) of the Planning Act, RSO 1990 with respect to a proposed zoning by-law;

AND WHEREAS certain changes have been made to the proposed by-law after holding of the public meeting;

NOW, THEREFORE, the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh hereby resolves that, pursuant to Section 34(17) of the Planning Act, RSO 1990, no further notice is to be given in respect of the proposed by-law.

Carried.

5.2 9:30 a.m. – Celina Whaling-Rae / County of Huron Planner - Consent Application

The Andersons Canada Limited - Consent File #C50/20

We have provided Council with a copy of the report prepared by Celina Whaling-Rae in regards to the application for consent received from The Andersons Canada Limited. Ms. Whaling-Rae reviewed the application with Council.

STAFF COMMENTS: We seek your direction.

ACTION: Council agreed to recommend to the County of Huron that this application for consent be approved subject to the conditions as outlined in the Planners Report.

5.3 9:45 a.m. – Celina Whaling-Rae / County of Huron Planner – Minor Variance

Darcy Quinlan - Minor Variance Application File #MV08/20

Moved by Fisher  
Seconded by Forster

OPEN COMMITTEE OF ADJUSTMENT MEETING #7

THAT Ashfield-Colborne-Wawanosh Council hereby adjourns the regular Council Meeting and hereby opens their Committee of Adjustment Meeting and Hearing to review the Darcy Quinlan Minor Variance Application.

Carried.

We have provided Council with a copy of the report prepared by the County Planner, Celina Whaling-Rae, in regard to this application. Ms. Whaling-Rae reviewed the application with the Committee of Adjustment.

STAFF COMMENTS: That this application for minor variance be approved subject to the following conditions:

- That the structure be located within the footprint contained on the site plan that accompanied the application.
- That the structure be constructed as shown in the elevation drawing that accompanied the application.
- That the variances' approval be valid for a period of 18 months from the date of the Committee's decision.

**PUBLIC COMMENTS:**

None.

**APPLICANT COMMENTS:**

None.

Moved by Forster  
Seconded by Miltenburg

APPROVE QUINLAN APPLICATION #8

THAT Ashfield-Colborne-Wawanosh Committee of Adjustment hereby agrees to approve the Darcy Quinlan Minor Variance Application as submitted, subject to the conditions as noted in the Planner's Report.

Carried.

### Effect of Public and Agency Comments on Decision of Council to the Application

No public comments were received on this application so there was no effect on the decision.

Agency comments were received in support of the application, the effect of which resulted in a decision to approve the application.

Moved by Miltenburg  
Seconded by Forster

CLOSE  
COMMITTEE  
OF  
ADJUSTMENT

#9

THAT Ashfield-Colborne-Wawanosh Committee of Adjustment hereby closes their meeting.

Carried.

Moved by Miltenburg  
Seconded by Fisher

RECONVENE #10  
REGULAR  
COUNCIL  
MEETING

THAT Ashfield-Colborne-Wawanosh Township Council hereby reconvenes the regular Council Meeting of September 1, 2020.

Carried.

### 6.0 ACCOUNTS

No items scheduled.

### 7.0 DEPARTMENT / COMMITTEE REPORTS

#### 7.1 Water Department

##### 7.1.1 Water Operations & Maintenance Report – June 2020

We have provided Council with a copy of the report prepared by Veolia Water Canada regarding the operation and maintenance of our water systems for June 2020.

STAFF COMMENTS: For your information purposes.

ACTION: Noted and filed.

##### 7.1.2 Benmiller Drinking Water System – Ministry of the Environment Inspection Report

We have provided Council with a copy of the Benmiller Drinking Water System Inspection Report.

STAFF COMMENTS: For your information purposes.

ACTION: Noted and filed.

##### 7.1.3 Dungannon Arsenic Treatment – Update

We have provided Council with a copy of the memo received from B.M. Ross & Associates with respect to the two potential approaches to consider for the treatment of arsenic.

STAFF COMMENTS: That Council agree to proceed with the “Cartridge Filter” proposal when preparing the detailed design of the system.

ACTION: Council agreed to proceed with the “Cartridge Filter” proposal when preparing the detailed design of the system.

#### 7.2 Building Department

##### 7.2.1 Wilkins Blake Heritage Farms - Temporary Dwelling Agreement

We have provided Council with a copy of an Agreement signed by Matthew Wilkins for Council's consideration. Where permitted in the zoning by-law, those wishing to construct or bring in a temporary dwelling must enter into an agreement with the municipality outlining conditions such as the installation, period of occupancy, and development standards. Chief Building Official Brett Pollock was available this morning.

STAFF COMMENTS: If Council agrees to proceed, the agreement will need to be adopted by by-law in Section 14.



ACTION: Council agreed to authorize the signing of the agreement and adopt by by-law in Section 14.

### 7.3 **Cemetery Department**

No items scheduled.

### 7.4 **Drainage Department**

#### 7.4.1 Warren Zinn Municipal Drain 2020 – Tenders

We have provided Council with a copy of the report prepared by Clerk Florence Witherspoon. Ms. Witherspoon was available this morning.

STAFF COMMENTS: That Council accepts the tender for the construction of the Warren Zinn Municipal Drain 2020 and adopts the following resolution.

ACTION: Council agreed to accept the tender and adopt the following resolution.

Moved by Vanstone  
Seconded by Fisher

WARREN ZINN DRAIN TENDER ACCEPT	#11	THAT Ashfield-Colborne-Wawanosh Township Council hereby accepts the tender submitted by Robinson Farm Drainage Ltd. for the construction of the Warren Zinn Municipal Drain 2020 in the amount of \$265,975 plus H.S.T.
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Carried.

#### 7.4.2 Warren Zinn Municipal Drain 2020 – Court of Revision Minutes

We have provided Council with the minutes of the Warren Zinn Municipal Drain Court of Revision Minutes of August 10, 2020.

STAFF COMMENTS: For your information only.

ACTION: Noted and filed.

#### 7.4.3 Warren Zinn Municipal Drain 2020

We have provided Council with a copy of the Provisional By-law for the Warren Zinn Municipal Drain which is ready to receive third reading. The Engineer's Report was accepted by Council on July 14<sup>th</sup>, the Court of Revision was held on August 10<sup>th</sup> where the assessment schedule was confirmed, and the last day for filing an appeal to the Tribunal related to this drain was August 30<sup>th</sup>. Construction can commence any time after the provisional by-law has been finally adopted.

STAFF COMMENTS: That Council give third and final reading to the by-law.

ACTION: Council agreed to give third and final reading to the by-law in Section 14.

### 7.5 **Administration Department**

#### 7.5.1 Lucknow Recreation – Appointment of Facility Operator & Parks Maintainer

The Lucknow & District Recreation Department have hired Tanner Stevenson as Facility Operator & Parks Maintainer in light of a recent resignation. We have provided Council with a copy of the appointing by-law.

STAFF COMMENTS: That Council adopt the by-law in Section 14.

ACTION: Council agreed to adopt the by-law in Section 14.

#### 7.5.2 Enabling Accessibility Fund (EAF) Project Application – Municipal Office

We have provided Council with a copy of the report prepared by Treasurer Ellen McManus with respect to the successful application of the above noted fund. Ms. McManus was available this morning.

STAFF COMMENTS: For your information purposes.

ACTION: Noted.



## 7.6 Public Works Department

### 7.6.1 Public Works Activity Report

We have provided Council with a copy of the report prepared by Public Works Superintendent Brian Van Osch. Mr. Van Osch was available this morning.

STAFF COMMENTS: For your information purposes.

ACTION: Noted and filed.

## 7.7 Environmental Services

No items scheduled.

## 7.8 Committee Reports

Councillor Wayne Forster reported on the Coalition for Huron Injury Prevention.

Councillor Jennifer Miltenburg and Councillor Gloria Fisher reported on the AMO Conference that they attended virtually.

## 8.0 NEW BUSINESS

### 8.1 Ministry of Municipal Affairs and Housing – Safe Restart Agreement

We have provided a copy of the letter indicating that under this agreement the Municipal Operating Funding Phase 1: Immediate Funding for Municipal Pressures that the Township of Ashfield-Colborne-Wawanosh will receive a payment of \$189,100 to support the COVID-19 operating costs and pressures.

STAFF COMMENTS: Once more details are released staff will bring back a report.

ACTION: Noted.

### 8.2 St. Helens Hall Board

We have provided Council with a copy of the request from Chairperson Barb Snowden of the St. Helens Hall Board with respect to the following:

#### a) St. Helens Cenotaph

We have provided a copy of the quotation received as well as pictures of the existing cenotaph which they are requesting that Council authorize paying for this repair work.

STAFF COMMENTS: We seek your direction.

ACTION: Council agreed to accept the quotation received and adopt the following resolution.

Council further agreed to have the contractor repair the following in addition to the quotation received:

- big stone in front of stone pillar has to be moved to fix one side of pillar.

Moved by Watt  
Seconded by Fisher

ACCEPT CENOTAPH QUOTE	#12	THAT Ashfield-Colborne-Wawanosh Township Council hereby accepts the quote submitted by Stothers Bricklaying for the cenotaph repairs at the St. Helens Hall in the amount of \$ 2,200 plus HST.  Carried.
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#### b) St. Helens Playground Equipment

We have provided Council with a copy of the proposed playground equipment for the St. Helens Hall which they are requesting that Council authorize to provide seed money, if needed, when the project begins.

STAFF COMMENTS: We seek your direction.

ACTION: Council agreed to provide seed money, if needed.

**9.0 CORRESPONDENCE / DIRECTION REQUIRED**

9.1 CIAO Internet / Improving Connectivity for Ontario Program – Letter of Interest

We have provided the correspondence received with respect to their request of a letter of interest from the municipality.

STAFF COMMENTS: We seek your direction.

ACTION: Council agreed not to provide a letter of interest from ACW.

**10.0 CORRESPONDENCE / FOR INFORMATION PURPOSES**

- 10.1 Port Albert & District Recreation Society (Petrie Park) – Minutes
- 10.2 Port Albert & District Recreation Society (Petrie Park) – September 2020 Update
- 10.3 Township of Huron-Kinloss Resolution – Farm Property Tax Class Rate Program
- 10.4 Lucknow & District Joint Fire Board - Minutes

**11.0 CORRESPONDENCE / ON COUNCIL TABLE**

No items scheduled.

**12.0 UNFINISHED BUSINESS**

12.1 Lake Huron Conference – Is the Coast Clear? – Starting September 29<sup>th</sup> (6-week Virtual)

Mayor McNeil and Deputy Mayor Watt participating.

STAFF COMMENTS: Reminder only.

ACTION: Noted. Council agreed to register Councillor Jennifer Miltenburg to the upcoming conference.

12.2 Official Plan Preliminary Review

Staff is ready to proceed with a follow-up meeting with Council to finalize items to be considered in the upcoming Official Plan Review. What date and time would suit Council to meet?

STAFF COMMENTS: We seek your direction.

ACTION: Council agreed to set a date of Tuesday, September 22<sup>nd</sup> at 9:00 a.m.

**13.0 IN-CAMERA / CLOSED SESSION**

No items scheduled.

**14.0 BY-LAWS**

14.1 Facility Operator & Parks Maintainer Appointment By-Law

Moved by Snobelen  
Seconded by Watt

FACILITY OPERATOR PARKS MAINTAINER APPOINTMENT BY-LAW #13 THAT leave be given to introduce By-Law #54-2020 being a by-law to appoint a Facility Operator & Parks Maintainer for the Lucknow & District Joint Recreation Board, and that it now be read severally a first, second, and third time, and finally passed this 1<sup>st</sup> day of September 2020. Carried.

14.2 Otten Zoning By-Law Amendment

Moved by Vanstone  
Seconded by Miltenburg

ZONING AMENDMENT BY-LAW #14 THAT leave be given to introduce By-Law #57-2020 being a by-law to amend zoning by-law #32-2008 as amended for the Township of Ashfield-Colborne-Wawanosh, and that it now be read severally a first, second, and third time, and finally passed this 1<sup>st</sup> day of September 2020. Carried.

14.3 Anderson Zoning By-Law Amendment

Moved by Fisher  
Seconded by Forster

ZONING #15 THAT leave be given to introduce By-Law #58-2020 being a by-law to  
AMENDMEN amend zoning by-law #32-2008 as amended for the Township of Ashfield-  
T BY-LAW Colborne-Wawanosh, and that it now be read severally a first, second, and  
third time, and finally passed this 1<sup>st</sup> day of September 2020.  
Carried.

14.4 Wilkins Blake Heritage Farms - Temporary Dwelling Agreement

Moved by Miltenburg  
Seconded by Watt

TEMPORAR #16 THAT leave be given to introduce By-Law #56-2020 being a by-law to  
Y authorize a temporary dwelling agreement between Wilkins Blake Heritage  
DWELLING Farms and the Township of Ashfield-Colborne-Wawanosh, and that it now  
AMENDMEN be read severally a first, second, and third time, and finally passed this 1<sup>st</sup>  
T day of September 2020.  
Carried.

14.5 Warren Zinn Municipal Drain 2020

Moved by Snobelen  
Seconded by Vanstone

WARREN #17 THAT leave be given to introduce By-Law #45-2020 being a by-law to  
ZINN provide for the construction of the Warren Zinn Municipal Drain 2020, and  
MUNICIPAL that it now be read severally a third time, and finally passed this 1<sup>st</sup> day of  
DRAIN 2020 September 2020.  
BY-LAW Carried.

14.6 Confirmation By-Law

Moved by Snobelen  
Seconded by Watt

CONFIRMAT #18 THAT leave be given to introduce By-Law #55-2020 being a by-law to  
ION BY-LAW confirm the proceedings of the Township of Ashfield-Colborne-Wawanosh  
meeting held on September 1, 2020, and that it now be read severally a  
first, second, and third time, and finally passed this 1<sup>st</sup> day of September  
2020.  
Carried.

15.0 ADJOURNMENT

Moved by Miltenburg  
Seconded by Forster

ADJOURN #19 THAT Ashfield-Colborne-Wawanosh Township Council does now adjourn  
to meet again on September 15, 2020 at 9:00 a.m. or at the Call of the  
Mayor.  
Carried.

Original signed by  
Mayor, Glen McNeil

Original signed by  
CAO/Deputy-Clerk, Mark Becker