



## **MINUTES Regular Council**

June 12, 2018  
6:00pm  
Council Chambers, Town Hall

Council Present: Deputy Mayor Craigmile (Acting Chair)  
Councillor Osborne  
Councillor Van Galen  
Councillor Winter  
Councillor Pope  
Councillor Hainer

Council Regrets: Mayor Strathdee

Staff Present: Brent Kittmer, CAO / Clerk  
Stephanie Ische, Director of Community Services  
Jed Kelly, Director of Public Works  
Trisha McKibbin, Director of Corporate Services  
Jenny Mikita, Senior Services Supervisor  
Jeff Wolfe, Asset Management and Engineering Specialist  
Morgan Dykstra, Public Works Coordinator  
Susan Luckhardt, Planning Coordinator  
Jenna McCartney, Deputy Clerk

### **1. CALL TO ORDER**

Deputy Mayor Craigmile called the meeting to order at 6:00pm.

### **2. DECLARATIONS OF PECUNIARY INTEREST**

Councillor Hainer declared pecuniary interest for agenda item 9.2.9 – Planning Advisory Committee Minutes and 9.2.9.1 – Recommendation to Proceed to Statutory Public Meeting.

Councillor Osborne declared pecuniary interest for agenda item 5.1 - Public Meeting for the Removal of Holding Symbols for Lots 30, 31, 32 and 33 Plan 44M-64 (Emily Street).

Councillor Osborne declared pecuniary interest for agenda item 8.1.2 – DEV 25-2018 Application for Removal of Holding Symbols (Z05-2018) 247, 243, 239 &

235 Emily Street Lots 30, 31, 32, & 33, Registered Plan 44M-64 Town of St. Marys.

Councillor Osborne declared pecuniary interest for agenda item 12.6 - BY-LAWS By-law Z126-2018 Remove Holding Symbols for 247, 243 and 239 Emily Street.

Councillor Van Galen declared pecuniary interest for agenda item 14.4 – CAO 23-2018 CONFIDENTIAL Enterprise Drive Land Sale.

### **3. AMENDMENTS AND APPROVAL OF AGENDA**

Brent Kittmer provided an update to Council that there will not be a public meeting tonight under item 5.1 as it is not legislated. However, Staff Report DEV 25-2018 will address the matter of an application to remove holding symbols for 247, 243, 239 and 235 Emily Street.

#### **Resolution 2018-06-12-01**

**Moved By** Councillor Pope

**Seconded By** Councillor Hainer

**THAT** the June 12, 2018 regular Council meeting agenda be accepted as amended.

**CARRIED**

### **4. PUBLIC INPUT PERIOD**

Andrew Atlin, 238 Queen Street East, stated his concern with the ongoing conversation related to heavy truck traffic in St. Marys. Mr. Atlin stated that \$3 million, 26% of the tax levy, can be attributed to commercial and industrial taxes in St. Marys. Further, 2,500 people are employed in St. Marys by companies that require the heavy trucks for the purpose of conducting business. He acknowledged that Council has listened to the public's concerns of heavy truck traffic and has implemented a number of recommendations from the Concerned Citizen's Against Heavy Truck Traffic (CCAHTT). Mr. Atlin suggested that it is time for Council to move on from this matter.

Mr. Atlin stated his concern related to the cost of the line painting to two of the existing racquet courts in St. Marys. Mr. Atlin asked Council to consider seeking a capital contribution from the Social Pickleball Club that would repay the cost of the line painting.

Paul Dunseith, 482 Elizabeth Street, wished to speak to proposed By-law 58-2018 and its relevance to overnight truck parking in Town.

Mr. Dunseith stated that in his opinion there have never been concerns raised about overnight truck parking at the Pyramid Recreation Centre. He is concerned that the Town did not consult with current individuals who use municipal facility parking lots for the purpose of overnight parking of trucks. He asked that Council reconsider the proposed by-law to include overnight truck parking at the Pyramid Recreation Centre.

## **5. DELEGATIONS, PRESENTATIONS, AND PUBLIC MEETINGS**

### **5.1 Public Meeting for the Removal of Holding Symbol for Lots 30, 31, 32 and 33 Plan 44M-64 (Emily Street)**

Public meeting not held as it is not a legislative requirement for removing holding symbols from lots. Consideration of the matter is discussed within the presentation of Staff Report DEV 25-2018.

### **5.2 United Way Perth Huron re: Understanding and Addressing Local Needs**

Mr. John McGarry, St. Marys Committee Chair, and Ryan Erb, Executive Director of United Way Perth Huron, spoke to the United Way Perth Huron delegation and responded to questions from Council.

#### **Resolution 2018-06-12-02**

**Moved By** Councillor Van Galen

**Seconded By** Councillor Winter

**THAT** the presentation from United Way Perth Huron regarding Understanding and Addressing Local Needs be received.

**CARRIED**

### **5.3 Kevin Luckhardt re: Traffic and Parking By-law**

Kevin Luckhardt spoke to the Traffic and Parking By-law delegation and responded to questions from Council.

#### **Resolution 2018-06-12-03**

**Moved By** Councillor Van Galen

**Seconded By** Councillor Osborne

**THAT** the delegation from Kevin Luckhardt regarding the proposed Traffic and Parking By-law be received.

**CARRIED**

## **6. ACCEPTANCE OF MINUTES**

### **6.1 Regular Council - May 22, 2018**

#### **Resolution 2018-06-12-04**

**Moved By** Councillor Van Galen

**Seconded By** Councillor Pope

**THAT** the May 22, 2018 regular Council meeting minutes be approved and signed and sealed by the Mayor and the Clerk.

**CARRIED**

### **6.2 Special Meeting of Council - May 23, 2018**

#### **Resolution 2018-06-12-05**

**Moved By** Councillor Hainer

**Seconded By** Councillor Pope

**THAT** the May 23, 2018 special meeting of Council minutes be approved and signed and sealed by the Mayor and the Clerk.

**CARRIED**

### **6.3 Special Meeting of Strategic Priorities Committee - May 28, 2018**

#### **Resolution 2018-06-12-06**

**Moved By** Councillor Winter

**Seconded By** Councillor Hainer

**THAT** the May 28, 2018 special meeting of the Strategic Priorities Committee minutes be approved and signed and sealed by the Mayor and the Clerk.

**CARRIED**

## **7. CORRESPONDENCE**

### **7.1 Herman Veenendaal re: Fireworks**

Council discussed the correspondence and the applicable by-law.

#### **Resolution 2018-06-12-07**

**Moved By** Councillor Hainer

**Seconded By** Councillor Van Galen

**THAT** Staff be directed to research a by-law that regulates and prohibits fireworks using current legislation and reduces the period of time that permits setting of fireworks.

**DEFEATED**

**Resolution 2018-06-12-08**

**Moved By** Councillor Winter

**Seconded By** Councillor Van Galen

**THAT** the correspondence from Herman Veenendaal regarding fireworks be received.

**CARRIED**

**7.2 CN re: CN in your Community Publication**

**Resolution 2018-06-12-09**

**Moved By** Councillor Hainer

**Seconded By** Councillor Winter

**THAT** the correspondence from CH regarding the 2018 edition of CN in your Community publication be received.

**CARRIED**

**7.3 Stratford General Hospital Foundation re: Acknowledgement of Donation**

**Resolution 2018-06-12-10**

**Moved By** Councillor Hainer

**Seconded By** Councillor Osborne

**THAT** the correspondence from Stratford General Hospital Foundation regarding an acknowledgement of donation be received.

**CARRIED**

**7.4 Alcohol and Gaming Commission of Ontario re: Notice of Extension of Hours for 2018 FIFA World Cup**

**Resolution 2018-06-12-11**

**Moved By** Councillor Van Galen

**Seconded By** Councillor Hainer

**THAT** the correspondence from the Alcohol and Gaming Commission of Ontario regarding Notice of Extended Hours of Service during the 2018 FIFA World Cup be received.

**CARRIED**

## **8. STAFF REPORTS**

### **8.1 Building and Development Services**

#### **8.1.1 DEV 24-2018 Site Plan Agreement, 121 Ontario Street South, Rick Murphy Holdings Ltd**

Susan Luckhardt spoke to DEV 24-2018 report and invited the applicants, Rick and Melanie Murphy, to address Council. Mr. and Mrs. Murphy responded to questions from Council.

##### **Resolution 2018-06-12-12**

**Moved By** Councillor Van Galen

**Seconded By** Councillor Hainer

**THAT** DEV 24-2018 Site Plan Agreement, 121 Ontario Street South, Rick Murphy Holdings Ltd. be received; and

**THAT** Council authorize Mayor and Clerk on behalf of the Town of St. Marys to enter into a Site Plan Agreement between the Town of St. Marys and Rick Murphy Holdings Ltd; and

**THAT** Council enact By-law 59-2018 authorizing the Mayor and the Clerk to sign a Site Plan Agreement with Rick Murphy Holdings Ltd.

**CARRIED**

#### **8.1.2 DEV 25-2018 Application for Removal of Holding Symbols (Z05-2017)247, 243, 239 & 235 Emily Street Lots 30, 31, 32 & 33, Registered Plan 44M-64Town of St. Marys**

Councillor Osborne declared a conflict on this item and vacated his seat at the Council table.

Deputy Mayor Craigmile stated "The Zoning By-law Amendment is being considered in accordance with Sections 34 and 36 of the Planning Act, RSO 1990.

The proposed amendment, initiated by the owner of the subject lands, affects property in the Town of St. Marys described as 247,

243, 239 and 235 Emily Street (Lots 30, 31, 32 and 33 of Registered Plan 44M-64). The “R3-11-H<sub>3</sub>” Zone that currently applies to these lands permits the development of these lots for single detached dwellings. To ensure safe vehicular movements along Emily Street, the (H<sub>3</sub>) holding provision can not be removed until it is demonstrated, to the Town’s satisfaction, that the sightlines associated with the Emily Street underpass are adequate for safe vehicular movements in terms ingress and egress to the subject lands. Until the holding symbol is removed, permitted uses are limited to lawfully existing uses.

The Owner has submitted information to the Town to address the condition associated with the H<sub>3</sub> holding provision (see discussion in DEV 25-2018, Item 8.1.2 of tonight’s agenda) and has requested that Council adopt a Zoning By-law Amendment to remove the “H” zone symbols. The removal of the holding symbols from the lands affected by the By-law would have the effect of permitting development in accordance with the “Residential Zone Three (R3-11)” Zone provisions.

I will now ask Mr. Kittmer to advise of notice requirements and how notice was provided."

CAO / Clerk Brent Kittmer stated "The owner may make an application to Council once the condition of the “H” zone symbol is satisfied. The typical 20-day notice and circulation process do not apply when Council is considering the removal of a Holding symbol. Council only needs to give notice of its intention to pass the amending by-law to the owner of the lands and any person or public body that provided the Town Clerk with a written request for notice. In this case, the owner is the only person required to be notified. The notice was sent to the owner on June 4, 2018 as prescribed.

While this matter is being dealt within a meeting held in public, it is part of the regular Council meeting and not a “Public Meeting” under the Planning Act and as such, Council is not required to hear submissions in support of or in opposition to the request.

The appeal process is also different. Only the owner of the subject property may appeal Council’s decision and would do so if Council

refuses to adopt the Zoning By-law Amendment. The neighbours or other persons do not have the right to appeal Council's decision."

Susan Luckhardt, Planning Coordinator, spoke to DEV 25-2018 report and invited Craig Linton to address Council.

Craig Linton representing the applicant addressed Council and asked Council to consider including Lot 33 within the approval for removing the Holding "H" symbol based on the information provided in the technical memorandum from the Engineer responsible for the reconstruction of Emily Street that occurred in 2017.

**Resolution 2018-06-12-13**

**Moved By** Councillor Hainer

**Seconded By** Councillor Van Galen

**THAT** DEV 25-2018 Application for Removal of Holding Symbols (Z05-2017) be received; and

**THAT** Council enact Zoning By-law Z126-2018 to remove the Holding "H" symbols from the properties known as 247, 243 and 239 Emily Street (Lots 30, 31, and 32 of Plan 44M-64); and

**THAT** Council enact Zoning By-law Z126-2018 to remove the Holding "H" symbols from the property known as 235 Emily Street (Lots 33 of Plan 44M-64), and

**THAT** the property owner satisfy the following requirements prior to receiving a building permit for Lot 33:

- a "hidden driveway" sign be installed on the south side of the overpass warning northbound traffic of the potential hazard; and
- a one-foot reserve be placed on the southerly 10 metres of lot frontage of Lot 33 so that the driveway entrance could not be installed any closer to the Emily Street over pass than what was assessed in the sight light analysis.

**CARRIED**

**8.1.3 DEV 26-2018 Request for Sign Variance (6 Jones Street East)**

Councillor Osborne returned to his seat at the Council table.

Brent Kittmer, on behalf of Grant Brouwer, spoke to DEV 26-2018 report and responded to questions from Council.



**Resolution 2018-06-12-14**

**Moved By** Councillor Pope

**Seconded By** Councillor Winter

**THAT** DEV 26-2018 Request for Sign By-law Variance (6 Jones Street East) report be received; and,

**THAT** Council approve a variance to the Town of St. Marys Sign By-Law for 6 Jones Street East.

**CARRIED**

**8.2 Administration and Human Resources**

**8.2.1 CAO 22-2018 Prohibit and Regulate Activities at St. Marys Quarries By-law**

Brent Kittmer spoke to CAO 22-2018 report and responded to questions from Council.

**Resolution 2018-06-12-15**

**Moved By** Councillor Pope

**Seconded By** Councillor Hainer

**THAT** CAO 22-2018 Prohibit and Regulate Activities at St. Marys Quarries By-law be received; and

**THAT** Council approve By-Law 57-2018, being a by-law to prohibit and regulate activities at the St. Marys Quarries.

**CARRIED**

**8.3 Corporate Services**

**8.3.1 COR 16-2018 Video Surveillance Policy**

Trisha McKibbin spoke to COR 16-2018 report and responded to questions from Council.

**Resolution 2018-06-12-16**

**Moved By** Councillor Hainer

**Seconded By** Councillor Van Galen

**THAT** COR 16-2018 Video Surveillance Policy be received; and

**THAT** By-law 60-2018 being a by-law to approve a Municipal Video Surveillance Policy be approved.

**CARRIED**

**Resolution 2018-06-12-17**

**Moved By** Councillor Hainer

**Seconded By** Councillor Pope

**THAT** Council direct Staff to conduct a video surveillance assessment at Cadzow Park and present the findings to Council at a future meeting.

**CARRIED**

**8.4 Community Services**

**8.4.1 DCS 12-2018 Follow-Up: Pickleball Courts on the Tennis Courts**

Stephanie Ische spoke to DCS 12-2018 report and responded to questions from Council.

**Resolution 2018-06-12-18**

**Moved By** Councillor Hainer

**Seconded By** Councillor Pope

**THAT** DCS 12-2018 Follow-Up: Pickleball Courts on Tennis Courts be received, and

**THAT** Council approve Recreation and Leisure Master Plan recommendation #48; and

**THAT** Staff be directed to create two multi-purpose courts out of the Town's existing tennis courts to allow for pickleball play based on the common agreement described in staff report DCS 12-2018.

**Amendment:**

**Resolution 2018-06-12-19**

**Moved By** Councillor Hainer

**Seconded By** Councillor Van Galen

**THAT** resolution 2018-06-12-18 be amended to include the following **THAT** statement:

**THAT** Staff draft a capital contribution agreement with the Social Pickleball Club to recoup a minimum contribution of the full cost initially incurred by the Town of St. Marys to delineate two pickleball courts at the tennis facility.

**CARRIED**

**Resolution 2018-06-12-18**

**Moved By** Councillor Hainer

**Seconded By** Councillor Van Galen

**THAT** DCS 12-2018 Follow-Up: Pickleball Courts on Tennis Courts be received, and

**THAT** Council approve Recreation and Leisure Master Plan recommendation #48; and

**THAT** Staff be directed to create two multi-purpose courts out of the Town's existing tennis courts to allow for pickleball play based on the common agreement described in staff report DCS 12-2018; and

**THAT** Staff draft a capital contribution agreement with the Social Pickleball Club to recoup a minimum contribution of the full cost initially incurred by the Town of St. Marys to delineate two pickleball courts at the tennis facility.

**CARRIED**

**8.4.2 DCS 13-2018 Home Support Services Declaration of Compliance**

Council recessed at 8:20pm.

Deputy Mayor Craigmile called the meeting back to order at 8:28pm.

Stephanie Ische spoke to DCS 13-2018 report and responded to questions from Council.

**Resolution 2018-06-12-20**

**Moved By** Councillor Pope

**Seconded By** Councillor Hainer

**THAT** DCS 13- 2018 Home Support Services Declaration of Compliance be received; and,

**THAT** Council authorize the Chief Administrative Officer to sign the South West Local health Integration Network Declaration of Compliance for the reporting period of April 1, 2017 to March 31, 2018.

**8.5 Public Works**

**8.5.1 PW 36-2018 Industrial Waste Surcharge Program**

Jed Kelly spoke to PW 36-2018 report and responded to questions from Council.

**Resolution 2018-06-12-21**

**Moved By** Councillor Hainer

**Seconded By** Councillor Osborne

**THAT** Report PW 36-2018 Industrial Waste Surcharge Program be received; and

**THAT** Council direct Staff to proceed with the Industrial Waste Surcharge Program transition.

**CARRIED**

**8.5.2 PW 32-2018 Traffic, Parking and Boulevard Maintenance By-law**

Jed Kelly spoke to PW 32-2018 report and responded to questions from Council.

Council discussed the Town's options for dealing with one-off parking situations.

Council discussed the permit system fee for truck parking at municipal facility parking lots.

**Resolution 2018-06-12-22**

**Moved By** Councillor Osborne

**Seconded By** Councillor Pope

**THAT** PW 32-2018 Traffic, Parking and Boulevard Maintenance By-law report be received; and,

**THAT** Council approve the following recommendations from the Strategic Priorities Committee:

1. **THAT** the Traffic By-law be adopted to implement a reduced speed school zone on James Street South in the area of DCVI; and

2. THAT the Traffic By-law be amended to extend the Community Safety Zone on James Street South from Elgin Street to the southern entrance to the Pyramid Recreation Centre; and
3. THAT the Victoria Bridge and Church Street Bridge not be load posted at this time; and
4. THAT the Town not pursue a ban on external to external truck traffic; and
5. THAT staff continue to focus on implementing traffic safety and calming solutions that will result in an overall improvement in the safe use of Town roadways by all vehicles; and
6. THAT the proposed amendments related to the administrative review of the existing Traffic By-law provisions conducted for the August 15, 2017 Strategic Priorities Committee meeting be approved; and

**THAT** \$15,000 be allocated for required signage changes from the road reserve fund; and

**THAT** By-Law 57-2018, Traffic, Parking and Boulevard Maintenance By-law be amended to include a heavy vehicle parking permit system that permits overnight parking at the Pyramid Recreation Centre; and

**THAT** By-Law 57-2018, Traffic, Parking and Boulevard Maintenance By-law be approved as amended for enactment on November 1, 2018.

**CARRIED**

## **9. COUNCILLOR REPORTS**

### **9.1 Operational and Board Reports**

Councillor Hainer vacated her seat at the Council table having declared a pecuniary interest for items 9.2.9 and 9.2.9.1.

#### **Resolution 2018-06-12-23**

**Moved By** Councillor Osborne

**Seconded By** Councillor Van Galen

**THAT** Council receive agenda item 9 in its entirety, including all operational, board, advisory and ad-hoc committee reports.

**CARRIED**

**Resolution 2018-06-12-24**

**Moved By** Councillor Van Galen

**Seconded By** Councillor Winter

**THAT** Council proclaim the month of June as Seniors Month for the Town of St. Marys.

**CARRIED**

**10. EMERGENT OR UNFINISHED BUSINESS**

None.

**11. NOTICES OF MOTION**

None.

**12. BY-LAWS**

**Resolution 2018-06-12-25**

**Moved By** Councillor Hainer

**Seconded By** Councillor Pope

**THAT** By-Laws 56-2018 to 60-2018 be read a first, second and third time; and be finally passed and signed and sealed by the Mayor and the Clerk.

**CARRIED**

Councillor Hainer returned to her seat at the table.

Councillor Osborne vacated his seat at the Council table having declared a pecuniary interest for item 12.6.....

**Resolution 2018-06-12-26**

**Moved By** Councillor Hainer

**Seconded By** Councillor Winter

**THAT** By-Law Z126-2018, as amended, be read a first, second and third time; and be finally passed and signed and sealed by the Mayor and the Clerk.

**CARRIED**

**13. UPCOMING MEETINGS**

Councillor Osborne returned to his seat at the Council table.

Deputy Mayor reviewed the upcoming meetings as presented in the agenda.

Councillor Hainer provided regrets for June 19 SPC meeting.

Councillor Winter provided regrets for the upcoming Municipal Shared Services Committee.

**14. CLOSED SESSION**

**Resolution 2018-06-12-27**

**Moved By** Councillor Pope

**Seconded By** Councillor Van Galen

THAT Council move into a session that is closed to the public at 9:28pm as authorized under the *Municipal Act*, Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

**CARRIED**

**14.1 Minutes of May 8, 2018 CLOSED SESSION**

**14.2 Minutes of May 23, 2018 CLOSED SESSION**

**14.3 Minutes of May 28, 2018 CLOSED SESSION**

**14.4 CAO 23-2018 CONFIDENTIAL Enterprise Drive Land Sale**

**15. RISE AND REPORT**

**Resolution 2018-06-12-28**

**Moved By** Councillor Osborne

**Seconded By** Councillor Winter

THAT Council rise from a closed session at 9:33pm.

**CARRIED**

Deputy Mayor Craigmile reported that a closed session has occurred and one matter was discussed. Council will now consider the matter.

**Resolution 2018-06-12-29**

**Moved By** Councillor Hainer

**Seconded By** Councillor Osborne

THAT the Town provides consent to Shepherd Gourmet Dairy to sell the former Town owned lands legally described as Part of Lot 13, South Boundary Concession (formerly in the Township of Blanshard), Town of St. Marys, County of Perth, more particularly described as Parts 2, 3 and 4 on Reference Plan 44R-4615, and being part of PIN 53245-0168 (LT).

**CARRIED**

**16. CONFIRMATORY BY-LAW**

**Resolution 2018-06-12-30**

**Moved By** Councillor Hainer

**Seconded By** Councillor Pope

**THAT** By-Law 61-2018, being a by-law to confirm the proceedings of June 12, 2018 regular Council meeting, be read a first, second and third time; and be finally passed and signed and sealed by the Mayor and the Clerk.

**CARRIED**

**17. ADJOURNMENT**

**Resolution 2018-06-12-31**

**Moved By** Councillor Winter

**Seconded By** Councillor Osborne

**THAT** this regular meeting of Council adjourn at 9:35p.m.

**CARRIED**

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Al Stratthdee, Mayor

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Brent Kittmer, CAO / Clerk