

# THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

## MINUTES



Regular Council Meeting

Monday June 13, 2022

7:00 p.m. Council Chambers, Fingal/Via Video Link

PRESENT: Mayor: G. Jones  
Deputy Mayor: R. Monteith  
Councillors: S. Emons (absent 7:59 p.m. – 8:24 p.m.)  
P. North  
J. Pennings

ALSO PRESENT: Jeff Carswell, CAO/Clerk  
Peter Kavcic, Dir. of Infrastructure & Development Serv.  
(7:00 p.m.– 10:10 p.m.)  
Paul Van Vaerenbergh, Public Works Superintendent (7:00 p.m. – 9:15 p.m.)  
Brent Clutterbuck, Drainage Superintendent (7:00 p.m.– 9:10 p.m.)  
Kevin Goodhue, Water/Wastewater Compliance Superintendent  
(7:00 p.m. – 8:56 p.m.)  
Jeff McArthur, Dir. of Fire Services/Fire Chief (7:00 p.m.– 9:28 p.m.)  
Heather James, Planner (7:00 p.m.– 8:30 p.m.)  
June McLarty, Corporate Services Clerk (7:00 p.m.– 9:28 p.m.)

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

**ADDENDUM TO THE AGENDA: None**

### **DISCLOSURES:**

There were no disclosures

## **ADOPTION OF MINUTES:**

**2022- 158      Councillor Pennings – Councillor North      Minutes**

**THAT** the Minutes of the Regular Council Meeting of May 24, 2022 are hereby adopted; and

**THAT** Council has reviewed the Minutes of the Minutes of the Young @ Heart Committee Meeting of March 29, 2022 and the Minutes of the Southwold History Committee Meeting of May 20, 2022

**CARRIED**

## **DRAINAGE:**

**2022-159      Councilor Emons – Deputy Mayor Monteith      Filing of the Report  
– Luton Drain 2022**

**THAT** Council proceeds with the Luton Drain 2022 drainage works and it instructs the Clerk to send notice as required under Section 41(1) of the Drainage Act of its intention to proceed; and

**THAT** the Meeting to Consider the Report of Luton Drain 2022 will be held at the regular Council meeting on June 27, 2022 at 7:00 pm; and

**THAT** affected property owners will be able to attend this meeting either via a WebEx virtual meeting or telephone conference.

**CARRIED**

**2022-160      Deputy Mayor Monteith – Councillor Pennings      Request for  
Municipal Drain**

**THAT** Council send notice to the property owner that Council will not object to the owner of the property submitting a drainage petition under Section 4 of the Drainage Act; and

**THAT** the Township of Southwold will pay their fair assessments for the improved drainage that Bush Line will receive if a drain is petitioned for and constructed.

**CARRIED**

## **REPORTS:**

### **Activity Report from the Director of Fire Services / Fire Chief**

Jeff McArthur presented his report to Council.

## **Activity Report from the Director of Infrastructure and Development Services**

Peter Kavcic presented his report to Council.

**2022-161**

**Councillor Emons – Councillor Pennings**

**Shedden and Fingal  
Local Road Improvement**

**THAT** Council approve Option 2 for Shedden and Fingal local road improvements, which includes asphalt surface replacement and installation of curbs at intersections;

**AND FURTHER THAT** Council approve the strategic sidewalk connections to parks within Shedden and Fingal as contained in this report.

**CARRIED**

### **PLANNING:**

**7:15 p.m. Zoning By-law Amendment - ZBA 2022-05 J. and K. Hamilton, 10195 Sunset Road**

**In attendance: J. and K. Hamilton, C. and T. Smith, R. and L. Young, J. and P. Pettit**

**2022-162**

**Councillor Emons – Deputy Mayor Monteith**

**Public Meeting  
ZBA 2022-05**

**THAT** Council of the Township of Southwold now sits as a public meeting under the Planning Act to consider application to amend the zoning on the property owned by J. and K. Hamilton.

**CARRIED**

The Mayor stated that this is a public meeting as required by Section 34 of the Planning Act to afford any person an opportunity to make representation with respect to a proposed Zoning By-law Amendment to rezone the subject lands from Residential 1 (R1) to Residential 1 Special Provision (R1-32) to permit relief from Section 3.13 (D), (F), (G) and (H) home occupation regulations and to permit relief from Section 3.38 (G), (H), (I) and (L) parking and loading space regulations with a civic address of 10195 Sunset Road.

The Mayor asked if any member of Council have a disclosure of interest concerning this proposals. None were reported.

The Mayor asked the Clerk what method of notice and when was the notice given for this meeting. The Clerk responded that a sign was posted on the property by May 24<sup>th</sup>, 2022. Notices were mailed to property owners within 120 metres and emailed to Agencies on May 20<sup>th</sup>, 2022.

Planner Heather James presented her report to Council. She also reported that the applicants are no longer seeking relief from Section 3.38 (H) (I) the parking and loading space regulations to permit an increase in the driveway width from 8.0 m to 18.14m. Comments were received from staff and were detailed in the Planning Staff Report. Agency and public comments were also received and detailed in the Planning Staff Report. This zoning by-law amendment was brought forward after a complaint was filed with the Township. A letter was sent, and the owners were advised to come into compliance with the Zoning By-law. Ms. James also commented that even though it is a large garage and will be used for vehicle maintenance, it is attached to the house and is classified as part of the main building. This is allowed and it met the requirements for the lot coverage. Ms. James also reported that since the time of writing the planning staff report additional comments have been received from the neighbour Carl Smith. These comments and pictures have been provided to Council, Township staff and the owners and applicants. Mr. Smith was objecting to the zoning by-law amendment.

The Clerk reported that Staff comments were received, as detailed in the Planning Staff Report. Also Agency comments and public comments were received, as detailed in the planning staff report, at time of writing. Since that time, additional written comments have been received and have been provided to Council, Township staff and the owners and applicants.

The Mayor stated that before the floor is open to questions from the public, please be advised if any person from the public wishes to receive further information on the action of Council regarding the decision on the application for zoning by-law amendment, please ensure that they email their name, address, postal code and phone number to the planner or clerk by June 14<sup>th</sup>, 2022. Any person that has contacted the planner to be part of the public meeting will receive this further information automatically.

The Mayor asked if the owner and/or application is in attendance. If so, please identify yourself so that the Township has a record of your attendance at this public meeting, with your name and civic address.

The Owners/Applicants Kate and John Hamilton of 10195 Sunset Road, St, Thomas reported that when they bought the house 9 ½ years ago, they contacted the Township office and was informed there would be no issues as it was on a truck route. They would not have bought the house if they could not park their truck on their property. Mr. Hamilton reported that Mr. Smith has not talked to him about anything. Mr. Hamilton also reported that they will move the planting strip back, so it is at the allotted amount. Mr. Hamilton commented that Mr. Smith had put sonotubes, metal brackets and posts in the ground for a fence. Recycled asphalt was put down, so they didn't have to cut the grass. It can be removed and put it back to the 1 meter.

Ron and Lisa Young of 10165 Sunset Road commented that they have no issues. No excess noise or odor. It has been a pleasure to watch them develop a house into a beautiful family

home. They provide a service to the community as Kate Hamilton is a bus driver. It does not seem fair for a family to leave based on this. They support this application.

Carl and Tamara Smith of 10191 Sunset Road commented that the laneways are very close together and the Hamilton's laneway encroaches on their property at the back. Mr. Smith reported that on several occasions they have talked to the Hamiltons regarding the safety issues and the backing into the driveway and the blocking of view to exit their laneway. It has been discussed. Ms. Smith commented that they have a problem with the parking of all the vehicles including the motor home, toy hauler, school bus and transport carrier and the sounds they make. The large garage has blocked their view. She is also concerned about the safety of their grandchildren and how it has affected their quality of life. They know they are the only neighbours who are affected, and they are not confrontational so that is why they haven't said anything. Neighbours should look after one another. Mr. Smith commented that the By-laws were put in place for a reason so things like this don't happen. Ms. Smith commented they are not taking away their livelihood, they just want the convenience of parking their vehicles on their property. They don't want to see all the vehicles parked there.

John and Patricia Petit of 10185 Sunset Road commented that they have not experienced any noise, odor or emissions. The truck is out of town most of the week.

Kate Hamilton commented on some of the things the Smiths said. She has been parking the bus on the property for 9 ½ years. There are places for buses to be parked but the school bus company appreciates it when the bus is parked on the driver's property. As for the emissions on the transport vehicles, they are regulated. The truck is quiet compared to other vehicles and does not idle. The motor home is parked in the shop quite often, the car trailer is in front of the shop and their personal vehicles are next to it. They don't park near the 911 sign and do not park where it may impede their vision or on the side of the road. They don't want their neighbours to feel unsafe. The vehicles are not running when the kids are playing. The Smiths' have a travel trailer that blocks a good portion of their view. The school bus is parked back as far as possible and is gone all summer long. It does affect their livelihood, if something was to happen to one of the vehicles on the trailer, it will come out of revenue. The transport trailer must be in their driveway. Mr. Hamilton reported that with regards to the 911 sign there is 29 feet of view at end of the Smith's driveway. The only time there is a vehicle that is parked that far out is on Thursday nights when hooking up motor home with the car trailer. Was asked to park back further. Tried to be respectful and got a permit for the shop. Mr. Hamilton offered to pay for ½ of the fence, if that was to help. The shop is going anywhere.

Mr. Smith commented that pictures have been sent and it shows everything we have been talking about. It blocks our view. Park vehicles in our way all the time. It is not about us but it is about the Township By-laws. The By-laws that are put in place and need to be enforced.



Deputy Mayor Monteith questioned the Smiths if any type of fence would help the situation they are experiencing. Mr. Smith responded not at this time because of Township Fencing By-law that is now in place. We were going to put an 8" high fence up but the Township By-law does not allow it. They started parking beyond where the fence was to go. A 6" fence would not do anything.

Councillor Emons questioned if Council can make an exception for an 8" fence. Mayor Jones responded that the by-law 6 feet is in place for various reason and permitting exceptions could cause other problems.

Deputy Mayor asked the Smiths if they had a permit for their fence before the fencing by-law was enacted. Mr. Smith responded no. No permits were required for the fence, when we started. That was 2 years ago. We were only going to go to a certain point and then they were parking beyond that. It would have been a huge expense to have a fence to cover the transport carrier and the bus end to end. A 6" fence would serve no purpose. It doesn't address the drainage issues or anything else. The yard is flooded all time because of the runoff. People say they don't smell or hear anything. Their laneway is not side by side, like we are. Since the shop was built the sound reverberate. The transport is there every night. It goes out every day but it comes back. It is what we must look at. We worry when we plow our partially gravel driveway in the winter, we worry about stone hitting the vehicles.

Councillor North asked the Hamiltons based on the information heard from the neighbours and concerns from Council is there any solution that you can suggest as a reasonable compromise to the Smiths. Ms. Hamilton responded that he cannot take our shop down and do not understand how they can see over to our property as they have hedges. Mr. Hamilton responded saying they don't want me parking too close to the road because it blocks their view and I can't park near the shop because of the noise. Ms. Hamilton responded that it is near the concrete pad. The noise will bounce off their travel trailer and not off the two building. Trying to make it so it is not disruptive. Not sure why it is a problem now. Don't understand why this is now a problem. There has always been a high-water table. The truck is not a loud truck. We don't know what we can do to make it more pleasing.

Deputy Mayor Monteith asked the Smiths, is there anything that could be jointly done with the Hamiltons to curb your concerns. Mr. Smith responded that all we are requiring is the Township uphold the by-laws that are in place. This not about the Smiths versus the Hamiltons, it is about the Hamiltons versus the Township of Southwold and the By-laws of the Southwold Township.

**2022-163**

**Councillor Emons – Councillor Pennings**

**ZBA 2022-05, Hamilton,  
10195 Sunset Road**

**THAT** Council of the Township of Southwold receive Report PLA 2022-14 regarding Zoning By-law Amendment Application ZBA 2022-05 – Recommendation Report; and

**THAT** Council of the Township of Southwold refuse the proposed Zoning By-law Amendment Application ZBA 2022-05 as the application is not consistent with the Provincial Policy Statement, does not conform to the County of Elgin Official Plan and does not conform to the Township of Southwold Official Plan.

**CARRIED**

The Mayor stated that please be advised the decision may be appealed to the Ontario Land Tribunal (formally the Local Planning Appeal Tribunal) by the applicant or another member of the public who have provided comments.

**2022-164      Deputy Mayor Monteith – Councillor Pennings      Adjournment  
of Public Mtg**

**THAT** the public meeting to consider the application to amend the zoning on the property owned by J. and K. Hamilton ends at **7:56 p.m.**

**CARRIED**

**2022-165      Deputy Mayor Monteith – Councillor North      ZBA 2022-04**

**THAT** Council defer the recommendation contained in Staff Report PLA 2022-15 Zoning By-law Amendment Application ZBA 2022-04 and further instruct staff to review and report back to Council on revised provisions for additional dwelling units, including increasing the permitted size, provisions that could applied in different zones (ie. Agricultural vs. Residential Zones), clarification on definitions (ie. Total Gross Floor Area, Primary Dwelling, etc.), and the intent of Provincial Policy for the intended size and scope of Accessory Dwelling Unit policy.

**CARRIED**

#### **DELEGATION:**

**8:42 p.m. – 8:56 p.m.**

**OCWA - Mark Harris, Maegan Garber, Robin Trepanier**

**2022- 166      Deputy Mayor Monteith – Councillor Pennings      OCWA 1<sup>st</sup> Quarter  
Reports**

**THAT** Council of the Township of Southwold hereby receives the reports from Mark Harris and Maegan Garber, OCWA re: The Southwold Water Distribution System 1<sup>st</sup> Quarter Operations Report and the Talbotville

Wastewater Treatment Plant 1<sup>st</sup> Quarter Operations Report for information purposes. **CARRIED**

**PLANNING:**

**2022-167      Councillor Emons – Councillor North      Bill 109, More Homes for Everyone Act, 2022**

**THAT** Council of the Township of Southwold receive Report PLA 2022-16 regarding Bill 109 Review of Provincial Changes;

**AND THAT** Council of the Township of Southwold directs Administration to prepare an amendment to By-law 2021-33, the Township's Delegation of Authority By-law to delegate all site plan approvals to the Chief Administration Officer/Clerk prior to July 1, 2022; and

**AND THAT** Council of the Township of Southwold directs Administration to prepare a Pre-Application Consultation By-law for Council's consideration in the near future.

**CARRIED**

**REPORTS:**

**2022-168      Councillor Emons – Deputy Mayor Monteith      Settlement Sidewalk Removals**

**THAT** Council approve the list of sidewalks to be removed in the settlement areas of Shedden and Fingal, and

**THAT** staff come back with a recommendation for the Lawrence Station sidewalks at a later date.

**CARRIED**

**Activity Report from the Director of Building and Community Services**

The Activity Report from the Director of Building and Community Services was presented to Council.

**2022- 169      Councillor Pennings – Deputy Mayor Monteith      Christmas Holiday Hours**

**THAT** Council approve closure of the Municipal Office from 5:00 p.m. Friday, December 23, 2022 and re-opening at 8:00 a.m. on Monday, January 2, 2023, with staff utilizing Vacation or Banked-Time for the days that are not statutory holidays during closure.



**CARRIED**

**2022-170      Councillor Pennings – Councillor Emons      Summer Council Meeting Schedule**

**THAT** Council cancel the second regular Council meetings in July and August, 2022 (July 25, 2022 and August 22, 2022).

**CARRIED**

**2022- 171      Councillor Pennings – Councillor North      Memorial Bench Program**

**THAT** Council approve the Memorial Bench Program attached as Schedule "A" to this report.

**CARRIED**

**2022-172      Councillor Emons – Deputy Mayor Monteith      Disconnecting from Work Policy**

**THAT** Council approve the Disconnecting from Work Policy attached as Schedule "A" to this report.

**CARRIED**

**Activity Report from the CAO/Clerk**

Jeff Carswell presented his report to Council.

**County Council Highlights – May 24, 2022**

Mayor Jones presented the County Council Highlights.

**CORRESPONDENCE:**

- Fee Waiver Request – Girl Guides

Council reviewed the item under correspondence.

**BY-LAWS:**

- By-law No. 2022-52, being a by-law to amend By-law No. 2022-36, being a by-law to establish a tax levy for the year 2022
- By-law No. 2022-53, being a By-law to confirm the resolutions and motions of the Council of the Township of Southwold, which were adopted on June 13, 2022

**2022-173      Councillor Emons – Councillor Pennings      By-laws**

**THAT** By-laws Nos. 2022-52 and 2022-53 be read a first and second time.

**CARRIED**

**2022-174      Councillor North – Deputy Mayor Monteith**

**THAT** By-laws Nos. 2022-52 and 2022-53 be read a third time and finally passed.

**CARRIED**

**OTHER BUSINESS:**

- Municipality of Thames Centre RE: Information Report on School Enrollment.
- Resolution from the Town of Aurora RE: Private Member's Bill C-233, Keira's Law
- Resolution from the Municipality of Chatham- Kent RE: Retirement Home Funding

Councillor reviewed the items under Other Business.

**CLOSED SESSION:**

**2022-175      Councillor Emons – Deputy Mayor Monteith      Closed Session**

**THAT** Council of the Township of Southwold now moves into a session of the meeting that shall be closed to the public at **9:28 p.m.** in accordance with Section 239 (2) of the Municipal Act, S.O. 2001, c. 25 for discussion of the following matters;

- Personal Matters about an identifiable individual, including municipal or local board members (section 239(2))(b) – Planner Update
- A proposed or pending acquisition or disposition of land by the municipality or local board (section (2)) (c) and a position, plan, procedure, criteria or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239 (2)(k)) – Talbotville Sanitary Easement and Talbotville Firehall Land
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose (section 239 (2)) (f) – Talbotville Park

- Personal Matters about an identifiable individual, including municipal or local board members (section 239(2)) (b) – Director of Corporate Services/Treasurer Update

**CARRIED**

**STAFF DIRECTION**

Staff was directed by Council to the items that were discussed in the Closed Session.

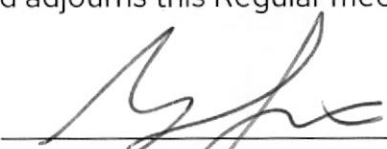
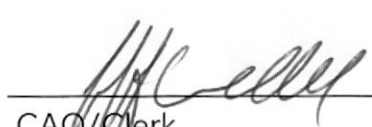
**ADJOURNMENT:**

**2022-176**

**Councillor Emons – Councillor North**

**Adjournment**

**THAT** Council for the Township of Southwold adjourns this Regular meeting of Council at **10:29 p.m.**

  
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Mayor  
Grant Jones  
\_\_\_\_\_  
CAO/Clerk  
Jeff Carswell