

THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

MINUTES



Regular Council Meeting
Tuesday October 11, 2022
7:00 p.m. Council Chambers, Fingal/Via Video Link

PRESENT: Mayor: G. Jones
Deputy Mayor: R. Monteith
Councillors: S. Emons
P. North
J. Pennings

ALSO PRESENT: Jeff Carswell, CAO/Clerk
Michele Lant, Director of Corporate Services/Treasurer
(7:00 p.m.- 8:24 p.m.)
Peter Kavcic, Dir. of Infrastructure & Development Serv.
(7:00 p.m.- 10:08 p.m.)
Paul Van Vaerenbergh, Public Works Superintendent (7:00 p.m.-
8:13 p.m.)
Brent Clutterbuck, Drainage Superintendent (7:00 p.m. -7:32 p.m.)
Josh Mueller, Planner (7:00 p.m.- 7:26 p.m.)
June McLarty, Corporate Services Clerk (7:00 p.m.-8:24 p.m.)

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:

2022-274 Deputy Mayor Monteith – Councillor Pennings

Minutes

THAT the Minutes of the Regular Council Meeting of September 26, 2022 are hereby adopted.

CARRIED

DRAINAGE:

G.H. Pennings Drain 2022

In attendance: Ja. Pennings for E. Walser, Ji. Pennings, B. Pennings, G. Pennings, G. Aitken (Entegrus)

2022- 275 Councillor North – Councillor Emons Mtg to Consider Report – G. H. Pennings Drain 2022

THAT the Meeting to Consider the Report for the G. H. Pennings Drain 2022 forms at **7:01 p.m.**

CARRIED

Chairman Jones called the meeting to order and stated that this is the Meeting to Consider the Report for the G.H. Pennings Drain 2022, dated July 22, 2022 prepared by the Engineer Mike DeVos of Spriet Associates.

This report was submitted to the Clerk of the Township of Southwold on September 13, 2022. Council received this report and decided to proceed with this report at our meeting on September 26, 2022

The purpose of this meeting is to allow the landowners and other affected parties to be given the opportunity to voice their concerns relating to any aspect of this report.

During this meeting anyone who signed a petition under Section 4 of the Drainage Act for this drain will be given the opportunity to remove their name, also any affected party who did not sign a petition will be given the opportunity to add their name to the petition.

Matters dealing specifically with assessments including where any land or road has been assessed too high or too low, any land or road that should have been assessed but has not been, or the land use was not duly considered will be dealt with by the Court of Revision at a date to be determined after the passing of a Provisional By-Law.

Was everyone notified of this Meeting to Consider the Report of the Engineer in an appropriate way that were required to be notified under the Drainage Act?

The Clerk responded yes, on September 28, 2022 the required notice of this meeting was sent by regular mail, or by email to all landowners and affected parties required to be notified under Section 41 of the Drainage Act. Included with the notice was a copy of the Report of the Engineer for the G.H. Pennings Drain 2022 dated July 22, 2022.

Mike DeVos, Engineer from Spriet Associates presented his report to Council.

Chairman Jones asked if any landowners or affected parties have any questions or concerns on the report. No questions were asked.

Chairman Jones asked if there were any landowners who would like to add or remove their names from the petition. No names were added or removed.

B. Pennings asked if the west drain where it enters the Entegrus property was it going to go under the existing railway bed or excavated out and left open. Mr. DeVos responded that it will be excavated out and left open.

Entegrus representative G. Aiken commented that he went through the different options and the costs for the Entegrus property. Mr. Aiken reported that Entegrus has been doing maintenance on the drains. He asked for clarification on these costs. Mr. DeVos responded that there is a special assessment for Entegrus at the main drain and on the west drain. These are two different locations where we have to cross to construct the drain due to the location of the railway bed. Physically is it a barrier to constructing a drain. Under the Drainage Act any additional costs to build a drain is considered out of the norm is assessed out to the landowner. Entegrus is not eligible for any grants from the government. Those costs are there because of the physical structure being the railway bed that is located where the drain is to be built. Mr. Aiken asked if the zoning and assessments on the Entegrus property can be changed so they can be eligible for the grants. Mayor Jones responded that they would need to consult with the Township's planner on the zoning. Drainage Superintendent Brent Clutterbuck responded that assessments are dealt with at the Court of Revision.

Deputy Mayor Monteith asked Mr. Aiken if Entegrus is okay with the cut open drain and not having a culvert put in. Mr. Aiken responded yes because of the cost.

**2022- 276 Deputy Mayor Monteith – Councillor Emons Report - G. H.
Pennings Drain 2022**

THAT the Report on the G.H. Pennings Drain 2022 prepared by Spriet Associates pursuant to Section 4 of the Drainage Act, dated July 22, 2022 be accepted by Council of the Township of Southwold; and

THAT Council authorizes staff to initiate the tender process, if required, for the construction of the G.H. Pennings Drain 2022; and

THAT Court of Revision for the G.H. Pennings Drain 2022 will be held virtually/in-person at 7:00 p.m. on November 14, 2022; and

THAT Council consider provisional By-law No. 2022-82.

CARRIED

Chairman Jones stated that later during this meeting, Council will be passing a provisional by-law. The Clerk will be mailing a copy of the Provisional By-Law duly passed tonight to the Landowner and affected parties as required by Section 46 of the Drainage Act along with the notice of The Court of Revision for the G.H. Pennings Drain 2022 (By-Law 2022-82) will be held virtually the same as this meeting on November 14, 2022 at 7:00 p.m. Any owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

1. Any land or road has been assessed an amount that is too high or too low.
2. Any land or road that should have been assessed has not been assessed.
3. Due consideration has not been given to the use being made of the land;

by a written notice setting out the grounds of the appeal at least 10-days before the first sitting of the Court of Revision to the Chief Administrative Officer/Clerk of the Township of Southwold and further under section 48 of the Drainage Act any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that,

- (a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
- (b) the drainage works should be modified on grounds to be stated;
- (c) the compensation or allowances provided by the engineer are inadequate or excessive; may appeal to the Tribunal, and in every case a notice of appeal shall be served within 40 days of the mailing of the Provisional By-Law.

A fact sheet is available that explains the appeals that are available to landowners under the Drainage Act as well as the required forms are available for pick up at the Township of Southwold Office or they could be sent to you by regular mail or email. If anyone has any questions regarding appeals or any other aspect of this work, please contact the Drainage Superintendent Brent Clutterbuck.

**2022- 277 Deputy Mayor Monteith – Councillor North Adjournment of
Mtg to Consider Report –
G.H. Pennings Drain 2022**

THAT the Meeting to Consider the Report for the G.H. Pennings Drain 2022 hereby adjourns and the regular meeting of Council reconvenes at **7:19 p.m.**

CARRIED

PLANNING:**2022- 278****Councillor North – Councillor Pennings****Consent Application
E70-22 Andrews C/O A. Dale –
Lot 15 NWNBTR – Union Road**

THAT Council of the Township of Southwold receive Report PLA 2022-35 regarding Consent Application E70-22 – Comments to the County of Elgin; and,

THAT Council of the Township of Southwold recommends approval to the Land Division Committee of the County of Elgin for the consent application, E70-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-35; and,

FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-35 as Municipal comments to the County of Elgin.

CARRIED**REPORTS:****2022- 279****Councillor Pennings – Councillor Emons****CAF - Use of Teetzel
Property**

THAT Council approve use of the Teetzel property for a Canadian Armed Forces (CAF) Training Exercise November 25 – 27, 2022 as described in Staff Report DRA 2022-06; and,

THAT staff are authorized to make the necessary arrangements and execute the required agreements for this Training Exercise.

CARRIED**2022- 280****Councillor Emons – Councillor Pennings****Surcharge for Tandem
Axle Plow/Sander Truck**

THAT Council approve the pricing surcharge of a Freightliner Tandem Axle Plow/Sander Truck from Premier Truck Group – London at a revised price of \$356,948.00 excluding HST.

CARRIED

THAT Council approve the Township Design Guidelines Manual – Part 1.
CARRIED

Activity Report from the Director of Infrastructure and Development Services

Peter Kavcic presented his report to Council

**2022- 282 Deputy Mayor Monteith – Councillor Emons Waste Collection
Proposal Award**

THAT Council award the garbage collection proposal to Green For Life Environmental (GFL) in the amount of \$204,653.80 which include biweekly collection for rural and smaller settlement areas, and weekly collection for Talbotville land use area, excluding HST; and,

THAT Council direct Staff to work with the Zero Waste Committee on a compost program and funding mechanisms for how this program can be implemented in 2023.

CARRIED

**2022- 283 Councillor Pennings – Deputy Mayor Monteith Lynhurst Park
Drive Construction Project –
Driveway Concern**

THAT Council approve the request of Jamie and Nicole Bogart, 10025 Lyn Court that the tendered cost for driveway restoration of stamped concrete be applied against the installation of regular concrete for the construction replacement area and beyond the property line/construction limit, subject to the following:

- Maximum Township cost shall not exceed the tendered cost based the same material and per unit costs,
- If total costs for alternate driveway material is lower than the maximum Township cost, the lower amount shall be paid to the contractor,
- Coordination for additional work beyond the property line/construction limit is between the property owner and contractor,
- Warranty for work beyond the property line/construction limit is between the property owner and contractor,
- Agreement from the contractor to complete work beyond the property line/construction limit is required; and,

FURTHER THAT this methodology for driveway replacements during road reconstruction projects be used on a go forward basis.

CARRIED

2022- 284 Councillor Pennings – Councillor Emons

**2023 OPP Cost
Estimates**

THAT the 2023 OPP Cost Estimate be received for information.

CARRIED

2022- 285 Councillor Pennings – Councillor North

**Tax Incentive
Application**

THAT Council approves the total adjustment of taxes for 2022 tax year resulting from Municipal Act, Tax Incentive Adjustment application, as presented, in the amount of \$7,355.27.

CARRIED

Activity Report from the Director of Building and Community Services

This report was presented to Council.

2022- 286 Deputy Mayor Monteith – Councillor Pennings

**Shedden Library
Lease**

THAT Council approve the attached Lease Agreement with the County of Elgin for the Southwold Township Library, Shedden and instruct staff to bring forward a by-law to adopt the agreement.

CARRIED

Activity Report from the CAO/Clerk

Jeff Carswell presented his report to Council.

County Council Highlights

Mayor Jones presented the County Council Highlights to Council.

BY-LAWS:

- By-law No. 2022-82, being a by-law to provide for drainage works – G.H. Pennings Drain 2022, first and second reading
- By-law No. 2022-83, being a by-law to authorize the execution of a lease agreement with the County of Elgin – Southwold Township Library, Shedden
- By-law No. 2022-84, being a by-law to appoint By-law Enforcement Officers – Tenet Security Group Incorporated
- By-law No. 2022-85, being a By-law to confirm the resolutions and motions of the Council of the Township of Southwold, which were adopted on October 11, 2022

2022- 287 Councillor Pennings – Councillor North**By-law 2022-82**

THAT By-law No. 2022-82 be read a first and second time this 11th day of October 2022.

CARRIED

2022- 288 Councillor Emons – Deputy Mayor Monteith**By-laws**

THAT By-law Nos. 2022-83, 2022-84, and 2022-85 be read a first and second time, considered read a third time and finally passed this 11th day of October 2022.

CARRIED

OTHER BUSINESS

Council reviewed the item under Other Business

CLOSED SESSION:**2022-289 Councillor Pennings – Councillor Emons****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 **8:24 p.m.** in accordance with Section 239 (2) of the Municipal Act, S.O. 2001, c. 25 for discussion of the following matters;

- Labour relations or employee negotiations (Section 239(2))(d) – CUPE Update

CARRIED

THAT Council of the Township of Southwold adjourns the Closed Session of the Regular Council meeting at **10:07 p.m.**

CARRIED


STAFF DIRECTION

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

ADJOURNMENT:

THAT Council for the Township of Southwold adjourns this Regular meeting of Council at **10:08 p.m.**

CARRIED



Mayor
Grant Jones



CAO/Clerk
Jeff Carswell