



MUNICIPALITY OF ARRAN-ELDERSLIE

Council Meeting

MINUTES

Meeting No. 12-2023

Tuesday, May 23, 2023, 4:30 p.m.

Council Chambers

1925 Bruce Road 10, Chesley, ON

Council Present: Mayor Steve Hammell
Deputy Mayor Jennifer Shaw
Councillor Ryan Nickason
Councillor Darryl Hampton
Councillor Brian Dudgeon
Councillor Moiken Penner
Councillor Peter Steinacker

Staff Present: Sylvia Kirkwood - CAO
Christine Fraser-McDonald - Clerk
Julie Hamilton - Deputy Clerk
Scott McLeod - Public Works Manager
Tracey Neifer - Treasurer
Carly Steinhoff - Recreation Manager
Pat Johnston - Chief Building Official - Present Electronically
Steve Tiernan - Fire Chief

1. Call to Order

Mayor Hammell called the meeting to order at 4:30 p.m. A quorum was present.

2. Mayor's Announcements (If Required)

- I would like to ask Council to move the Closed Session to 5:00 p.m. on today's agenda and then we will have any delegations starting at 6:00 p.m. followed by the Bruce County Planner discussing her planning report. He also requested that Council allow an amendment to the Procedural By-law to allow five delegations.
- On May 17th at the Grey County Public Works Association, Len Phillippi placed 1st, Casey Hillier placed 2nd and Lewis Catto placed 3rd for the Bruce County division. Len will have a spot at the Association of Ontario Road Supervisors (AORS) Provincial Safety Truck Rodeo on September 27, 2023. This year's Provincial meet is hosted by Huron County. Last year Len Phillippi placed 4th at the Provincial level.

- May 21-27th is National Public Works Week. Across North America, more than 30,000 members in the U.S. and Canada use this week to energize and educate the public on the importance of public works to their daily lives: planning, building, managing and operating at the heart of their local communities to improve everyday quality of life.
- I would like to give a shout out to our Facilities Manager Carly Steinhoff for her great job at updating the Community Calendar. We encourage community groups to inform us of their events as well as they can add their events to our calendar.
- May 31st – A Paisley “Come and Go” meeting is being held at the Community Centre from 6pm to 7pm to get updates on some of the key initiatives happening in the Paisley Community.
- June is Pride Month – We will be raising the Pride Flag to support the LGBTQ2+ community.

3. Adoption of Agenda

Subsequent to further discussion, Council passed the following resolution:

159-12-2023

Moved by: Councillor Hampton

Seconded by: Councillor Nickason

Be It Resolved that the agenda for the Council Meeting of Tuesday, May 23, 2023 be received and adopted, as distributed by the Clerk.

Carried

4. Disclosures of Pecuniary Interest and General Nature Thereof

None.

5. Unfinished Business

None.

6. Minutes of Previous Meetings

6.1 May 8, 2023 Regular Council Minutes

Subsequent to further discussion, Council passed the following resolution:

160-12-2023

Moved by: Councillor Steinacker

Seconded by: Councillor Dudgeon

Be It Resolved that the Council of the Municipality of Arran-Elderslie adopt the minutes of the Regular Council Session held May 8, 2023.

Carried

7. Business Arising from the Minutes

None.

8. Minutes of Sub-Committee Meetings

None.

9. Public Meeting(s)

None.

10. Delegations - 6:00 p.m.

10.1 Explanation of Water Usage at the Micro-Cannabis Facility- Greg Thorn

Mr. Thorn gave an updated presentation to Council regarding water usage of his proposed micro-cannabis facility.

He noted that there will be 1893 sq. ft for grow space.

He also noted that a one gallon pot could not possibly use 23 litres per day. This would be for an outdoor, American plant. They use drip lines to water the plants to control water usage. Top consumption would be 2,000 litres per day.

He would be willing to meter the water consumption to demonstrate good stewardship. His current drilled well produces 4.5 gallons per minute and is 180 feet deep.

He will have the appropriate HVAC people to help with the dehumidification process.

Council thanked Mr. Thorn for his explanation.

10.2 Emily Azevedo - Proposed Zoning By-law Amendment - Micro-Cannabis Facility - Thorn

Emily Azevedo noted that the spreadsheet showed that each address provided was not in a residential area. One or two locations might have a home nearby.

There are actually two grow rooms planned. She was puzzled by where the numbers came from regarding the water usage. She felt the numbers were underestimated as cannabis requires 80 to 90% water. It does not include the water consumption for the flushing of plants or cleaning. It would use 54,000 litres for flushing.

There is also the question of run-off and where it is going. Neighbours should not have to be worried about contamination.

The water consumption could deplete the water for Tara. She also felt that this facility will affect property values.

10.3 Jeff Horning - Proposed Zoning By-law Amendment - Micro-Cannabis Facility - Thorn

Mr. Horning addressed Council. He felt that the water usage is between the figures supplied and the worst fears of those concerned.

Are there provisions to restore water supplies, if anyone is affected.

The effluent is going into a septic bed and into the existing water table. If individuals are concerned, they could check their water quality. He suggests that this would be to everyone's benefit to check their water before the plant is constructed and then compare further in the year.

10.4 Gary Thorn - Proposed Zoning By-law Amendment - Micro-Cannabis Facility - Thorn

Gary Thorn noted that other plants that have a similar construction. Have they been looked at and is there a smell around these locations.

Deputy Mayor Shaw noted that she had spoken with a producer and there is only odour when they are harvesting.

10.5 Marion Ace - Proposed Zoning By-law Amendment - Micro-Cannabis Facility - Thorn

Marion Ace noted that Tara is a great place to live. They are subjected to nasty odours which are seasonal or temporary. The Lallemant Plant causes odours, but it is not constant. They have gone to great lengths to try to prevent the odours.

How can this new micro cannabis facility be any better regarding the smell? Will the Health Canada requirements be enough? She feels the odour will be present every day. She hopes Council will take this into consideration.

11. Presentations

11.1 BDO - 2021 Audit

Tracey Smith presented the 2021 Audit to Council.

Subsequent to further discussion, Council passed the following resolution:

161-12-2023

Moved by: Councillor Hampton

Seconded by: Councillor Dudgeon

Be it Resolved that Council hereby accept the Audited Financial Statements as presented by BDO Canada for the year ending December 31, 2021.

Carried

12. Correspondence

12.1 Requiring Action

12.1.1 Request for Lapel Pins

Subsequent to further discussion, Council passed the following resolution:

166-12-2023

Moved by: Deputy Mayor Shaw

Seconded by: Councillor Hampton

Be it Resolved that Council directs staff to prepare 65 lapel pins for the Normoska Car Tour.

Carried

12.1.2 Request for Lapel Pins - Heritage Farm Show

Subsequent to further discussion, Council passed the following resolution:

167-12-2023

Moved by: Councillor Dudgeon

Seconded by: Deputy Mayor Shaw

Be it Resolved that Council directs staff to prepare 40 lapel pins for a Farm Tour.

Carried

12.2 For Information

Subsequent to further discussion, Council passed the following resolution:

168-12-2023

Moved by: Councillor Hampton

Seconded by: Councillor Nickason

Be It Resolved that the Council of the Municipality of Arran-Elderslie receives, notes, and files correspondence on the Council Agenda for information purposes.

Carried

12.2.1 Rick Byers - Media Release

12.2.2 SMART Annual Letter to Councils

13. Staff Reports

13.1 CAO/Clerks

13.2 Finance

13.3 Public Works

13.3.1 SRW.23.11 Award Hot Mix Pavement Tender

Works Manager, Scott McLeod responded to questions from Members of Council.

Subsequent to further discussion, Council passed the following resolution:

169-12-2023

Moved by: Deputy Mayor Shaw

Seconded by: Councillor Nickason

Be It Resolved that Council hereby,

1. Awards the supply and application of HL3 Asphalt Cement to E.C. King Contracting in the amount of \$58,227.21 including HST for Industrial Road in Chesley;
2. That the project be funded through Account #23-TRAN-0023 ROADS with the remaining funds being used to finance the costs associated with the preparation of the existing road for pavement;
3. Awards the supply and application of HL3 Asphalt Cement to E.C. King Contracting in the amount of \$25,568.91 including HST for Albert Street in Paisley;
4. That the project be funded through Account #23-TRAN-0028 ROADS; and

5. That any remaining funds be used to offset costs towards SRW.23.12 – Micro-Surfacing Tender – Elderslie-Arran Townline.

Carried

13.3.2 SRW.23.12 Award Micro-Surfacing Tender

Works Manager, Scott McLeod responded to questions from Members of Council.

Subsequent to further discussion, Council passed the following resolution:

170-12-2023

Moved by: Councillor Dudgeon

Seconded by: Councillor Nickason

Be It Resolved that Council hereby,

1. Awards the Supply and Application of Type II Micro-surfacing to Duncor Enterprises Inc., in the amount of \$236,208.42 inclusive of HST for the Elderslie-Arran Townline;
2. That the project be funded through Account #23-TRAN-0024 ROADS;
3. Awards the Supply and Application of Type II Micro-surfacing to Duncor Enterprises Inc., in the amount of \$149,973.60 inclusive of HST for the Concession 10, Elderslie;
4. That the project be funded through Account #23-TRAN-0025 ROADS; and
5. That the additional funding of \$4,469.10 be financed through Reserve 01-0000-7266 – Roads general.

Carried

13.4 Building/Bylaw

13.5 Facilities, Parks and Recreation

13.6 Emergency Services

Treasurer Tracey Neifer noted that they were applying for a \$10,000 grant for the Paisley Fire Station through the Hensall Co-op.

13.7 Economic Development and Planning

13.7.1 Zoning By-law Amendment Z-2022-017 - Thorn

Planner Megan Stansfield noted that the application proposes to establish definitions in the Municipality's Zoning By-law for a 'micro-cultivation facility' and 'micro-processing cannabis facility' and to permit these uses on the subject lands with limits on the size of the use, and prohibition of on-site retail. The application also proposes a holding provision on the lands as they have high archaeological potential. If approved, the proposed amendment would facilitate the construction and operation of a Micro Cultivation and Micro Processing Cannabis Facility on the subject lands, under a license to be obtained from Health Canada.

The proposed building is approximately 469 square metres in size with a grow surface of up to 200 square metres. The building will be completely enclosed, with a single exterior window, and an air filtration system that prevents odour escaping the building.

The lands are located at 46 Bruce Road 17, in the village of Tara/Invermay, Arran-Elderslie.

The Public Meeting for this file was held on April 5, 2023, and a Planning Report was presented at that time with some additional information.

Councillor Steinacker requested a recorded vote.

Subsequent to further discussion, Council passed the following resolution:

166-12-2023

Moved by: Deputy Mayor Shaw

Seconded by: Councillor Penner

That Council approve Zoning By-Law Amendment Z-2022-127 (Thorn) to facilitate the construction and operation of a Micro Cultivation and Micro Processing Cannabis Facility, located at 46 Bruce Road 17, in the Village of Tara/Invermay, under a license to be obtained from Health Canada.

For (4): Deputy Mayor Shaw, Councillor Nickason, Councillor Dudgeon , and Councillor Penner

Against (3): Mayor Hammell, Councillor Hampton, and Councillor Steinacker

Carried (4 to 3)

14. Notice of Motion

Deputy Mayor Shaw requested support for Huron County's request for clarification regarding the County of Huron Warden's Letter regarding a review of the Cannabis Act and the current legislative framework for cannabis.

15. Members Updates

Shaw:

Deputy Mayor Shaw attended the Queen's Park Rally for the Chesley Hospital, the Human Trafficking session and participated in the Transit Workshop.

Hampton:

Councillor Hampton noted that the new portion of the Riverside Park has been cleaned up. The Chesley Community Classic is this Saturday, and he would like to recognize Deputy Mayor Shaw for attending the Queen's Park Rally regarding the Chesley Hospital.

Dudgeon:

Councillor Dudgeon requested a bi-weekly update from staff regarding any projects in the Municipality.

Steinacker:

Councillor Steinacker attended the Human Trafficking meeting session and thanked Deputy Mayor Shaw for attending the Queen's Park Rally.

Penner:

Councillor Penner attending a Saugeen Valley Conservation Authority meeting and had questions regarding a natural cemetery.

Nickason:

Councillor Nickason attended a Wind Turbine meeting, and a BASWR meeting.

Hammell:

Mayor Hammell thanked Deputy Mayor Shaw for attending the Queen's Park Rally, attended the Human Trafficking session, and the Bruce County Library Board meeting. He noted that the Chesley Community Classic is this Saturday, as well as decoration day at Tara Hillcrest Cemetery and the Tara Rotary 85th Anniversary. There will be a come and go public information session in Paisley on May 31st.

16. New Business

16.1 Friend of the Chesley Hospital Queen's Park Rally

Deputy Mayor Shaw attended this rally on behalf of the Municipal Council.

By-law 37-2021 - Council Remuneration and Expenses Policy, Section 10
- Special Events Policy states:

- A per diem payment to a member of Council for attending a special event will be paid by the Municipality where a majority of Council approves the member of Council to attend.
- For any other special events not covered by Resolution of Council, the Mayor and Deputy Mayor may attend and receive a per diem payment. The Mayor may designate up to two (2) members of Council who may attend such special events and receive a per diem payment.

Mayor Hammell noted that he supported the Deputy Mayor attending this event and in doing so, the Deputy Mayor will receive a per diem payment.

17. By-laws

17.1 By-law 31-2023 - Zoning By-law Amendment Z-2022-017 (Thorn)

Council requested that the neighbouring wells be monitored and tested, mitigation of odour and noise, and wastewater be included in a Site Plan Agreement to be registered on title.

Subsequent to further discussion, Council passed the following resolution:

167-12-2023

Moved by: Councillor Dudgeon

Seconded by: Deputy Mayor Shaw

Be It Resolved that By-law No. 31-2023 be introduced and read a first, second and third time, signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and engrossed in the By-law Book.

By-law 31-2023 being a By-law to amend By-law 36-09 by changing thereon from Agriculture 'A1' zone to Agriculture Special 'A1-31-2023-H' zone for the lands located at 46 Bruce Road 17 to allow for a Micro-Cultivation and Micro-Processing Cannabis Facility as an an additional permitted use.

Tabled

18. Closed Session (if required) at 5:00 p.m.

162-12-2023

Moved by: Councillor Steinacker

Seconded by: Deputy Mayor Shaw

Be It Resolved, That the Council of the Municipality of Arran-Elderslie does now go into closed session to discuss an item(s) which relates to:

- () the security of the property of the municipality or local board;
- () personal matters about an identifiable individual, including municipal or local board employees;
- (X) a proposed or pending acquisition or disposition of land by the municipality or local board; Surplus Land
- () labour relations or employee negotiations;
- () litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (X) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; Fire Services
- () a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- () information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- () a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- () a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- () a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Staff Authorized to Remain:

Item 1 (Fire Services) - CAO Sylvia Kirkwood, Treasurer Tracey Neifer, Fire Chief Steve Tiernan, Clerk Christine Fraser-McDonald and Municipal Solicitor Jamie Burns, Hicks and Morley

Item 2 (Surplus Land) - CAO Sylvia Kirkwood and Clerk Christine Fraser-McDonald

Carried

19. Resolution to Reconvene in Open Session

Mayor Hammell reported out of closed and note that Council directed staff to bring back further financial information including any clarifications from OMERS as soon as possible.

Subsequent to further discussion, Council passed the following resolution:

163-12-2023

Moved by: Councillor Dudgeon

Seconded by: Councillor Hampton

Be It Resolved That Council of the Municipality of Arran-Elderslie does now return to the Open Session at 5:55 p.m.

Carried

20. Adoption of Recommendations Arising from Closed Session (If Any)

Subsequent to further discussion, Council passed the following resolution:

164-12-2023

Moved by: Councillor Steinacker

Seconded by: Councillor Nickason

Be It Resolved that Council hereby,

1. Receives the appraisal as prepared by The Appraiser's Network at an appraised value of \$4,200.00;
2. Declares the lands described as Part Lot 5, Plan 424, Chesley, Roll # 4103-390-004-00600, as surplus to the Municipality's needs; and
3. That this property be sold to Nick Mazzotta as a direct sale, as per the Sale of Surplus Lands Policy 01-2021, and that the Clerk and the Chief Administrative Officer be directed to authorize the sale of the subject lands.

Carried

21. Adoption of Closed Session Minutes

Subsequent to further discussion, Council passed the following resolution:

165-12-2023

Moved by: Councillor Hampton

Seconded by: Councillor Penner

Be It Resolved; that Council of the Municipality of Arran-Elderslie adopt the minutes of the Closed Session dated May 8, 2023.

Carried

22. Confirming By-law

22.1 By-law 32-2023

Subsequent to further discussion, Council passed the following resolution:

171-12-2023

Moved by: Councillor Dudgeon

Seconded by: Councillor Hampton

Be It Resolved that By-law No. 32-2023 be introduced and read a first, second and third time, signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and engrossed in the By-law Book.

By-law 32-3023 being a By-law to confirm the proceedings of the Regular Council meeting of the Municipality of Arran-Elderslie held Tuesday, May 23, 2023.

Carried

23. Adjournment

Subsequent to further discussion, Council passed the following resolution:

172-12-2023

Moved by: Councillor Nickason

Seconded by: Councillor Hampton

Be It Resolved that the meeting be adjourned to the call of the Mayor at 8:34 p.m.

24. List of Upcoming Council meetings

June 12, 2023

June 26, 2023

July 10, 2023

August 14, 2023

Steve Hammell, Mayor

Christine Fraser-McDonald, Clerk