



## MUNICIPALITY OF ARRAN-ELDERSLIE

### Council Meeting

### MINUTES

**Monday, December 11, 2023, 9:00 a.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  
Carly Steinhoff - Recreation Manager  
Pat Johnston - Chief Building Official - Present Electronically  
Steve Tiernan - Fire Chief  
Jessica Pridham – Economic Development & Communications Coordinator  
David Munro - Interim Treasurer

#### 1. Call to Order

Mayor Hammell called the meeting to order at 9:00 am. A quorum was present.

#### 2. Mayor's Announcements (If Required)

- This is our last Council meeting of the year. I would like to wish everyone a Merry Christmas and a Happy New Year.
- The Annual Allenford Christmas Light Competition will be held between December 17<sup>th</sup> and 23<sup>rd</sup>.
- I would like to acknowledge Coen Rier from the Arran-Tara Elementary School. His teacher, Barb Gordon, gave her students \$1.00 each to change someone's life. Coen bought markers with his money and coloured pictures to give away for "donations". His goal was \$50. To date, he has raised over \$3,000 for the Grey Bruce Hospice.

- Just a reminder to everyone to look for our Winter Newsletter in the Holiday Christmas Flyer. Look for it in your mail and at participating businesses. Shop local this season in Arran-Elderslie!

### **3. Adoption of Agenda**

Council passed the following resolution:

#### **333-23-2023**

**Moved by:** Councillor Hampton

**Seconded by:** Councillor Penner

Be It Resolved that the agenda for the Council Meeting of Monday, December 11, 2023 be received and adopted, as distributed by the Clerk, as amended.

**Carried**

### **4. Disclosures of Pecuniary Interest and General Nature Thereof**

None declared at this time.

### **5. Unfinished Business**

### **6. Delegations**

#### **6.1 Z-2023-059 - Becker**

Vaishnan Muhunthan made a presentation to Council regarding Zoning By-law Amendment Z-2023-059. He noted that revisions were made to the application in light of the comments that had been received at the public meeting.

Mr. Becker will be using a private garbage system and renovate the existing building. He feels that the proposal should be looked at favourably as it meets the requirements of the LOPA and the PPS.

The existing drainage pattern is directed in two directions to enter the municipal sewer system. The post-development drainage will continue to follow the same pattern and even may be decreased as some water will be directed into the municipal sewer system. Surface water will not be increased with the construction of the five-plex. He also noted the Public Works did not provide any further comments regarding the drainage.

The subject application should be approved based on its planning merits.

#### **6.2 Battery Energy Storage Systems - Multi-Municipal Energy Working Group - Warren Howard**

Warren Howard gave a presentation to Council.

He noted that that IESO is looking for new capacity. There has been a big push for electrical storage, and there are about 35 active proposals at this time.

The RFP process includes:

- Proponent proposes to build and operate a facility, specifies size in MW, and location.
- Hydro One confirms grid capacity available
- Proposal includes fixed cost for facility
- Points used to reduce cost in evaluation process; if there is Municipal Support, then points are awarded. If no, then municipal support must be obtained later
- If Indigenous support is obtained, then points are awarded
- Contracts go to lowest bidder based on adjusted price
- Hydro One uses facility as required to fill gaps in supply. There are no usage fees, just a fixed monthly cost

Battery Energy Storage Systems contain flammable electrolytes and can create unique hazards if the battery cell enters thermal runaway. During thermal runaway, large amounts of flammable and potentially toxic battery gas are generated. Major toxic gases emitted can include CO, HF, NO<sub>2</sub>, HCL, - can pose very large threat to human health, a greater threat than the heat of the fire. Tracking shows 32 destructive failures in 3 years since December 2020. Some resulted in fatalities or serious injury of fire fighters.

The response to a fire situation is often to let the affected battery section burn out - can take a day or multiple days. Fire crews need special training as some burning batteries can explode if water is used on the fire. Adjacent battery sections must be cooled with copious water. Dry sprinkler systems can be used to direct cooling water. Municipalities need to consider handling of effluent fire protection water to prevent contamination of adjacent land and water courses. They also need to ensure safety setbacks to residences, roads, etc. to protect against heat and toxic gases, as well as the need to assess the ability of emergency services to provide this type of extended response.

Siting of BESS projects on Prime Agricultural Land is concerning local communities and councils. The current Provincial Policy Statement places a high priority on protecting prime land. The draft PPS posted for comment in June allowed BESS projects as a secondary "Diversified Use" on prime agricultural land.

Municipalities need to consider:

- Define Setbacks to Protect Adjacent Users which includes other activities, property lines
- Define Emergency Response Requirements – Role of municipal services in responding to emergencies needsto be full documented. Annual training plan required.
- Source of Water Supply for Emergencies - If municipal water supply is not at site, the source of water to used for cooling in an emergency needs to be defined.
- Limits on Noise Emissions – Project will contain equipment used 24/7 to cool modules and the impact on neighbouring properties needs to be established
- Decommissioning Requirements

Council thanked Mr. Howard for his presentation.

## **7. Presentations**

### **7.1 Municipal Investing Overview - One Investment**

Jennifer Hess, Keith Taylor and Jason Hagan gave a presentation to Council discussing investing under the Municipal Act.

Management of investments is under the control of the Treasurer, and it is up to the Municipality to ensure compliance with the Municipal Act.

Prudent investment allows municipal access to investment products beyond the 'legal list'. An Investment Board (IB) or Joint Investment Board (JIB) is given control and management of the municipal investments (as defined by the municipality). Any municipal funds that fall outside of their definition of long-term money will remain under Legal List, and under Treasurer's control.

ONE Investment serves Ontario Municipalities and is a non-profit which provides investment advisory advice to Ontario municipalities. All products / funds (Legal List and Prudent Investor) are compliant with the Municipal Act.

Council thanked Mr. Hagan and his team for their presentation.

## **8. Closed Session (if required)**

Subsequent to further discussion, Council passed the following resolution:

**335-23-2023**

**Moved by:** Deputy Mayor Shaw

**Seconded by:** Councillor Hampton

*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 lands and property acquisition inquiry
- (X) labour relations or employee negotiations; collective agreement negotiations
- (X) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; by-law enforcement matter update
- ( ) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- ( ) 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;
- (X) 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; proposal for grant submission and insurance claims update
- ( ) 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 - CAO Sylvia Kirkwood, Clerk Christine Fraser-McDonald, Interim Treasurer David Munro, Tony Commisso and Matt Brown - Intact Public Entities

Item 2 - CAO Sylvia Kirkwood, Clerk Christine Fraser-McDonald

Item 3 - CAO Sylvia Kirkwood, Clerk Christine Fraser-McDonald and Facilities Manager Carly Steinhoff

Item 4 - CAO Sylvia Kirkwood, Clerk Christine Fraser-McDonald

Item 5 - CAO Sylvia Kirkwood, Clerk Christine Fraser-McDonald and Works Manager Scott McLeod

Items 6 - CAO Sylvia Kirkwood, Clerk Christine Fraser-McDonald, Interim Treasurer David Munro and Solicitor Cristina Tomaino

Item 7 - CAO Sylvia Kirkwood, Clerk Christine Fraser-McDonald, Chief Building Official Pat Johnston

**Carried**

**9. Resolution to Reconvene in Open Session**

Subsequent to further discussion, Council passed the following resolution:

**336-23-2023**

**Moved by:** Deputy Mayor Shaw

**Seconded by:** Councillor Hampton

Be It Resolved That Council of the Municipality of Arran-Elderslie does now return to the Open Session at 12:48 p.m.

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

Direction was given to staff in Closed Session for the following items:

Item 1 - received for information

Item 2 - motion to be presented in open session

item 3 - direction to staff

Item 4 - received for information

Item 5 - direction to staff

Item 6 - update from staff

Item 7 - received for information

Subsequent to further discussion, Council passed the following resolution:

**337-23-2023**

**Moved by:** Councillor Hampton

**Seconded by:** Councillor Nickason

Be it Resolved that the Council of the Municipality of Arran-Elderslie hereby approves the unopened road allowance known as Albert Street, Part of PIN 331810324, located between Arnaud Street and Canrobert Street, Paisley, to be identified as surplus and to be stopped up and closed.

The surplus land will be disposed of by direct sale to the abutting property owners as per By-law 33-2021 - Original Road Allowance and Original Shore Road Allowance Closure and Sale Policy.

**Carried**

**11. Adoption of Closed Session Minutes**

Subsequent to further discussion, Council passed the following resolution:

**338-23-2030**

**Moved by:** Deputy Mayor Shaw

**Seconded by:** Councillor Steinacker

Be It Resolved that the Council of the Municipality of Arran-Elderslie adopt the minutes of the Closed Council Session held November 13, 2023.

**Carried**

**12. Minutes of Previous Meetings**

**12.1 November 27, 2023 Council Minutes**

Subsequent to further discussion, Council passed the following resolution:

**339-23-2023**

**Moved by:** Councillor Hampton

**Seconded by:** Councillor Nickason

Be It Resolved that the Council of the Municipality of Arran-Elderslie adopt the minutes of the Regular Council Session held November 27, 2023.

**Carried**

**13. Business Arising from the Minutes**

**14. Minutes of Sub-Committee Meetings**

**15. Public Meeting(s)**

**16. Correspondence**

**16.1 Requiring Action**

**16.2 For Information**

Subsequent to further discussion, Council passed the following resolution:

**340-23-2024**

**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**

16.2.1 Great Lakes and Water Policy Section (MNRF) - Release of Decision Regarding Technical Bulletin: Data Survey and Mapping Specifications

16.2.2 Saugeen Valley Conservation Authority - October 19, 2023 Minutes

16.2.3 Bruce Area Solid Waste Recycling Minutes - October 26, 2023

16.2.4 Grey Sauble Conservation Authority Board Meeting Highlights - November 22, 2023

16.2.5 AMO Watchfile - December 7, 2023

## **17. Staff Reports**

### **17.1 CAO/Clerks**

17.1.1 SRDPCLK.23.10 Fees and Charges By-Law – Final Draft

Deputy Clerk, Julie Hamilton, responded to questions from Members of Council.

Subsequent to further discussion, Council passed the following resolution:

#### **341-23-2023**

**Moved by:** Deputy Mayor Shaw

**Seconded by:** Councillor Steinacker

Be It Resolved that Council hereby,

1. Approve the proposed fees and charges bylaw attached at Appendix A to this report; and
2. That a By-Law be passed to adopt the Fees and Charges Schedules for 2024.

**Carried**

### **17.2 Finance**

### **17.3 Public Works**



17.3.1 SRW.23.24 Award Landfill Scale House Building Request for Proposal

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

Subsequent to further discussion, Council passed the following resolution:

**342-23-2023**

**Moved by:** Councillor Dudgeon

**Seconded by:** Deputy Mayor Shaw

Be It Resolved that Council hereby,

1. Awards the contract for the construction of the Landfill Scale House Building to Domm Construction Ltd., in the amount of \$153,680.00 inclusive of HST and funded from Account #02-3501-9230;
2. That Capital Budget 2024 pre-budget approval is granted for the additional \$60,000 in funds to permit a project start date in early 2024; and
3. That additional funds to complete the project in the amount of \$60,000.00 be allocated to Account #02-3501-9230 from reserve 01-0000-7212 – Municipal Buildings.

**Carried**

**17.4 Building/Bylaw**

**17.5 Facilities, Parks and Recreation**

17.5.1 Chesley Lawn Bowling Club Renovation

Recreation Manager, Carly Steinhoff, responded to questions from Members of Council.

Subsequent to further discussion, Council passed the following resolution:

**343-23-2023**

**Moved by:** Councillor Hampton

**Seconded by:** Councillor Steinacker

Be It Resolved that Council hereby,

1. Accept the quotations from North Star Carpentry and Stinson Electric at a combined cost of \$101,306.86, exclusive of applicable taxes;
2. Accept the estimate from Hatten's Home Hardware Building Centre at a cost of \$30,455.50, excluding applicable taxes;
3. Waive the cost of the building permit and landfill fees related to this project;
4. Agree that the Municipality shall provide aggregate to be applied to the base of the building;
5. Provide Capital Budget 2024 pre-budget approval, to be financed from reserve 01-0000-7212 – Municipal Buildings to 02-3937-4300, RECC-LBOWL-CHES-Chesley; and
6. Council waive the provision of the Procurement Policy in accordance with Section 4.7 of Schedule A of Bylaw 59-09.

**Carried**

## **17.6 Emergency Services**

## **17.7 Economic Development and Planning**

### **17.7.1 Zoning By-law Amendment - Z-2023-059 - Becker**

Planner Rebecca Elphick noted that the applicant/owner, Tyler Becker, proposes to rezone his property, municipally referred to as 88 5th Avenue, Chesley, from R3-3 to a site specific R3 zone to permit the development of a five-unit townhouse at the rear of the property.

The proposed amendment seeks to reduce the setback between a townhouse and side lot line from 7.5 to 3.1 metres, reduce the setback between a townhouse and rear lot line from 7.5 to 3.0 metres, reduce the minimum Gross Floor Area per unit to 75 m<sup>2</sup>, revise the definition of Cluster Townhouse, and would allow more than 1 main building per lot. The existing six-unit dwelling at the front of the site is proposed to be retained. The townhouse dwelling is proposed to be developed on full municipal water and sewage services.

The subject lands are located within the Chesley urban settlement area on the west side of 5th Avenue, south of 2nd Street. The subject lands are approximately 0.3 hectares in size with approximately 32 metres of frontage along 5th Avenue. The lands are surrounded by low density residential uses to the south, the Chesley Heritage Trail and agricultural uses to the west, low

density residential uses and the North Saugeen River to the north and low density residential- uses to the east. It should be noted that there is an approximately 11 m wide parcel which separates the subject property from the Chesley Heritage Trail and is owned by the adjacent property owner to the south. No development is proposed on that parcel of land and it remains wooded. The northwestern corner of the site is located within the Saugeen Valley Conservation Authority regulated area, given the subject lands' proximity to the North Saugeen River.

At this time, staff recommend refusal of the application to amend the Zoning By-law, given that the applicant has not demonstrated that self-contained drainage can be achieved with the reduced setbacks requested. Staff may consider a revised development concept which demonstrates that self-contained drainage can be achieved, should the applicant wish to submit a new proposal.

Subsequent to further discussion, Council passed the following resolution:

**334-23-2023**

**Moved by:** Councillor Dudgeon

**Seconded by:** Councillor Penner

Be it Resolved that Council refuse Zoning By-law Amendment Z-2023-059 for Tyler Becker as the applicant has not demonstrated that self-contained drainage can be achieved with the reduced setbacks requested.

**Carried**

**18. Notice of Motion**

**19. Members Updates**

Shaw:

Deputy Mayor Shaw attended the GSCA meeting, attended the Tara Christmas Parade and will be attending Paisley Central School to help serve lunch.

Hampton:

Councillor Hampton attended the Chesley Santa Claus Parade and recognized staff for helping with the float.

Dudgeon:

Councillor Dudgeon attended the Paisley Christmas Parade.

Steinacker:

Councillor Steinacker attended the Tara Christmas Parade and thanked staff for their work this year.

Penner:

Councillor Penner had nothing to report.

Nickason:

Councillor Nickason attended the Tara Christmas Parade, MMWTB meeting and a BASWR meeting.

Hammell:

Mayor Hammell attended union negotiations, the Arran-Elderslie Business Association Social, Chesley and Tara Christmas parades.

**20. New Business**

**21. By-laws**

**21.1 By-law 63-2023 - To Designate Community Improvement Project Areas in Arran-Elderslie**

Subsequent to further discussion, Council passed the following resolution:

**344-23-2023**

**Moved by:** Councillor Hampton

**Seconded by:** Deputy Mayor Shaw

Be It Resolved that By-law No. 63-2023 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 63-2023 being a By-law to adopt a Community Improvement Plan for the Municipality of Arran-Elderslie.

**Carried**

**21.2 By-law 64-2023 - To Adopt a Community Improvement Plan for the Community Improvement Project Areas in Arran-Elderslie**

Subsequent to further discussion, Council passed the following resolution:

**345-23-2023**

**Moved by:** Councillor Hampton

**Seconded by:** Deputy Mayor Shaw

Be It Resolved that By-law No. 64-2023 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 64-2023 being a By-law to adopt a Community Improvement Plan for the Community Improvement Project Areas in the Municipality of Arran-Elderslie.

**Carried**

**21.3 By-law 65-2023 - Adopt the 2024 Fees and Charges By-law**

**346-23-2023**

**Moved by:** Councillor Nickason

**Seconded by:** Councillor Steinacker

Be It Resolved that By-law No. 65-2023 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 65-2023 being a By-law to Establish Fees and Service Charges for 2024.

**Carried**

**21.4 By-law 66-2023 - Appoint Municipal Support Services Inc. as By-law Enforcement**

Subsequent to further discussion, Council passed the following resolution:

**347-23-2023**

**Moved by:** Councillor Nickason

**Seconded by:** Councillor Penner

Be It Resolved that By-law No. 66-2023 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 66-2023 being a By-law to appoint Municipal Support Services Inc. as Municipal Law Enforcement to enforce the by-laws of the Municipality of Arran-Elderslie.

**Carried**

**21.5 By-Law 67-2023 Impose Special Drainage Rates**

**348-23-2023**

**Moved by:** Councillor Hampton

**Seconded by:** Councillor Nickason

Be It Resolved that By-law No. 67-2023 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 67-2023 Being a By-law to Impose Special Annual Drainage Rates Upon Land in Respect of Which Money is Borrowed under the Tile Drainage Act.

**Carried**

**22. Workshop - Comprehensive Zoning By-Law 36-09 - Central Business District (C1) and Accessory Dwellings**

CAO Sylvia Kirkwood presented an educational workshop to Council regarding zoning regulations in downtown areas of Arran-Elderslie.

She provided an overview of the Official Plan and Zoning Provisions to Council as well as a community overview, housing and economic development as well as potential options. She provided several options: a public open house, a staff report with recommendations and more information. Council could also provide direction regarding enforcement of the zoning provisions.

CBO Pat Johnston provided an overview to Council regarding zoning issues. There are several different uses in the downtowns.

Economic Development and Information Coordinator, Jess Pridham discussed the influencing factors.

Council thanked the group for their educational presentation.

Dave Tedford, owner of ReMax buildings in Tara and Chesley is concerned about affordable housing in the downtown core. The units that are being converted are not affordable. He has phoned two landlords that have empty business spaces and they were not looking to rent out their spaces. There are very little spots for businesses to move to. He noted that there have been some franchisees looking to open businesses, but they felt there were too many residential areas downtown. Once the commercial spaces are gone, then the businesses will be gone. There is a need in Chesley for space.

Bruce Herlick noted that it is not cheap to renovate a building. There should be rules and regulations if there is housing downtown. There will not be a lot of small businesses coming to a small town. If you have more people downtown, they will support the downtown businesses.

Dan Roxcroft asked for a public forum where the public could give their opinions.

Council directed staff to hold a public meeting in the New Year followed by a staff report. This will be discussed at the first council meeting in January.

**23. Confirming By-law**

**23.1 By-law 68-2023 - Confirming By-law**

Subsequent to further discussion, Council passed the following resolution:

**349-23-2023**

**Moved by:** Councillor Dudgeon

**Seconded by:** Councillor Hampton

Be It Resolved that By-law No. 68-2023 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 68-2023 being a By-law to confirm the proceedings of the Regular Council meeting of the Municipality of Arran-Elderslie held Monday, December 11, 2023.

**Carried**

**24. Adjournment**

Subsequent to further discussion, Council passed the following resolution:

**350-23-2023**

**Moved by:** Deputy Mayor Shaw

**Seconded by:** Councillor Penner

Be It Resolved that the meeting be adjourned to the call of the Mayor at 2:25 p.m.

**25. List of Upcoming Council meetings**

January 8, 2024                      January 29, 2024

February 12, 2024                      February 26, 2024

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Steve Hammell, Mayor

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Christine Fraser-McDonald, Clerk