



**Township of Adjala-Tosorontio
Minutes of Regular Council Meeting
September 10, 2018 at 6:30 p.m.
Council Chambers**

Members Present: Mayor Mary Small Brett
Deputy Mayor Doug Little
Councillor Scott W. Anderson
Councillor Ambrose Keenan
Councillor Bob Meadows
Councillor Floyd Pinto
Councillor Dave Rose

Staff Present: CAO/Township Manager, Eric Wargel
Acting Clerk, Kathryn Pearl
Director of Infrastructure and Development, Doug Sitland
Treasurer and Human Resources Director, Janet Sherwood
Director of Planning, Jacquie Tschekalin
Chief Building Official, Mike Giles
Fire Chief, Ralph Snyder

1. Call to Order

Mayor Small Brett called the meeting to order at 6:30 p.m.

2. Additions, Deletions or Amendments

Resolution 18-281

Moved by Councillor Pinto

Seconded by Councillor Meadows

Resolved that Item 11. a) be deleted from the agenda as proper procedure has not been followed again as the original notice of motion was handed in to the Acting Clerk after the deadline and was in violation of Section 10.3.2 of the Township's Procedural By-law; and further

That the Mayor should not have suspended the rules of procedure as suspending the rules of procedure was in violation of Section 2.1 of the Township's Procedural By-law as the rules could only be suspended by a two-thirds vote of members in any case for which provision is not made herein as there is a provision of how a notice of motion is to be placed on the agenda; and further

That as per Section 21.9 of the Township Procedural By-law, a notice of motion should be used to reconsider or rescind a decision previously adopted by Council in accordance with Section 10.3: and further

That Section 21.2 of the Procedural By-law does not apply as the notice of motion on the August 13, 2018 agenda was to repeal and replace and not reconsider the mover of the notice of motion did not amend the notice of motion to ask for a reconsideration; and further

That the appointment of Mr. Harold Elston is in violation of Section 6.16.5 of the Council Code of Conduct as the Township CAO only consulted with the Acting Mayor Doug Little and not Council as a whole; and further

That the new motion put forward by Deputy Mayor Doug Little to replace motion 18-228 dated July 9, 2018 is in violation of Section 223.4.5 of the Municipal Act.

Recorded vote requested by Councillor Pinto:

Councillor Pinto	Yea	
Councillor Meadows	Yea	
Councillor Anderson		Nay
Councillor Keenan		Nay
Councillor Rose		Nay
Deputy Mayor Little		Nay
Mayor Small Brett		Nay

Defeated

3. **Adoption of the Agenda**

Resolution 18-282

Moved by Councillor Anderson

Seconded by Councillor Rose

Resolved that the agenda for the Council Meeting held on Monday, September 10, 2018 at 6:30 p.m. be adopted as circulated.

Recorded vote requested by Councillor Pinto:

Councillor Pinto		Nay
Councillor Meadows		Nay
Councillor Anderson	Yea	
Councillor Keenan	Yea	
Councillor Rose	Yea	
Deputy Mayor Little	Yea	
Mayor Small Brett	Yea	

Carried

4. Disclosure of Pecuniary Interest and the General Nature Thereof

Councillor Meadows declared a pecuniary interest with agenda item 10.2 d) as it pertains to the Fire Department and the individual is a friend. Councillor Meadows did not take part in any discussion on the matter.

Councillor Pinto declared a pecuniary interest with agenda item 10.3 c) as he took part in an OMB, now LPAT, hearing. Councillor Pinto left the room and did not take part in any discussion on the matter.

Councillor Pinto declared a pecuniary interest with agenda item 11 a) as this item relates to himself. Councillor Pinto left the room and did not take part in any discussion on the matter.

5. Adoption of Minutes – August 13, 2018

Resolution 18-283

Moved by Councillor Anderson

Seconded by Councillor Rose

Resolved that the minutes of the Special Council meeting of July 9, 2018 be adopted as amended.

Carried

6. Presentations/Deputations

6.1. Ralph Snyder, Fire Chief – New Fire Pumper Presentation

6.2. Vaughn Thurman, 6001 Concession 2 – Excessive Noise from Grain Dryer (6148 Concession Road 2)

Resolution 18-284

Moved by Councillor Pinto

Seconded by Councillor Rose

Resolved that the deputation from Vaughn Thurman regarding excessive noise from grain dryer be received for information and moved to item 11 New Business for discussion.

Carried

7. Public Meetings

7.1. Public Meetings under the Planning Act

1. Zoning By-law Amendment Z/08/18

**Planning Report 2018-25 – Zoning By-law Amendment Z/08/18
(1482 Concession Road 7)**

Mayor Small Brett opened the Public Meeting at 7:25 p.m.

The Director of Planning gave a brief summary of the application.

Mayor Small Brett provided an opportunity for interested parties to speak in support or in opposition to the application or to ask questions for clarification.

Shelagh Finn, 9090 5 Sideroad – concerns regarding Oak Ridges Moraine, and ability to find documents referenced. Would like an opportunity to read supporting materials.

Council inquired if the matter was time sensitive. Council requested staff recirculate the notice and indicate a second meeting would be held so that all comments could be received.

Mayor Small Brett declared the Public Meeting closed at 7:45 p.m.

Resolution 18-285

Moved by Councillor Anderson

Seconded by Councillor Rose

That Planning Report 2018-25 dated September 10, 2018 regarding “Zoning By-law Amendment Z/08/18 (1482 Concession Road 7)” be received; and

That a decision be deferred until a second public meeting is held.

Carried

8. Public Input

Shelagh Finn, 9090 5 Sideroad, regarding item 10.1 a – Property Standards By-law which she supports in principle. Clarification required as to whether sections referenced in by-law refer to the Building Code Act or the by-law itself

9. Upcoming Events and Announcements

- Diversion Day – Saturday, September 15, 2018 from 8:30 am – 2:30 pm.

- Warden Marshall has resigned his position to become the new CAO of the Town of Wasaga Beach. Deputy Warden Terry Dowdall will take over the Warden's position for the remainder of the term.

10. Reports and Correspondence

10.1. Protection to Persons and Property

Fire Protection, Building, Municipal Law Enforcement and Recreation
Chair Councillor Scott W. Anderson, Vice Chair Councillor Bob Meadows

a) Building Report 2018-05 – Property Standards By-law

Resolution 18-286

Moved by Councillor Anderson

Seconded by Councillor Keenan

That Building Report 2018-05 dated September 10, 2018 entitled "Property Standards By-law" be received; and further

That Council consider the draft by-law for adoption.

Carried

10.2. General Government

Finance and Administration
Chair Councillor Ambrose Keenan, Vice Chair Councillor Floyd Pinto

a) Administration Report 2018-16 – Costs Incurred for Integrity Commissioner Investigation

Resolution 18-287

Moved by Councillor Keenan

Seconded by Councillor Rose

That Administration Report 2018-16 dated September 10, 2018 regarding "Costs Incurred for Integrity Commissioner Investigation" be received.

Carried

b) Administration Report 2018-17 – Joint Compliance Audit Committee

Resolution 18-288

Moved by Councillor Keenan

Seconded by Councillor Rose

That Administration Report 2018-17 dated September 10, 2018 regarding “Joint Compliance Audit Committee” be received; and further,

That Council approve the establishment of a Joint Compliance Audit Committee with the South Simcoe municipalities for the 2018-2022 term of office to support the Township of Adjala-Tosorontio’s obligations under the Municipal Elections Act, 1996; and further,

That the Terms of Reference and Administrative Procedures for the Joint Compliance Audit Committee be adopted; and further

That the necessary By-law be presented to Council to establish and appoint members to the Committee.

Carried

c) **Treasury Report 2018-25 – Application for Cancellation, Reduction or Refund of Taxes – 4492 Adjala-Tecumseth Townline**

Resolution 18-289

Moved by Councillor Keenan

Seconded by Deputy Mayor Little

That Treasury Report 2018-25 dated August 13, 2018 regarding “Application for Cancellation, Reduction or Refund of Taxes – 4492 Adjala-Tecumseth Townline” be received; and further,

That Staff be authorized to write-off a commercial tax adjustment of: \$3,086.58 to the taxation roll for the property located at 4492 Adjala-Tecumseth Townline under Section 357 of the Municipal Act 2001 and that staff increase a residential tax adjustment of: \$911.77 and a farm tax adjustment of: \$23.47. Total net adjustment of \$2,151.34.

Carried

d) **Treasury Report 2018-26 – Taxes Receivable for 10054 Highway 9, Palgrave**

Councillor Meadows declared a pecuniary interest with agenda item 10.2 d) as it pertains to the Fire Department and the individual is a friend. Councillor Meadows did not take part in any discussion on the matter.

Resolution 18-290

Moved by Councillor Anderson

Seconded by Councillor Keenan

That the resolution be amended striking third paragraph “**That** Council consider writing-off a portion of penalty charged to the tax roll up to a maximum amount of \$12,753.00.”

Carried

Resolution 18-291

Moved by Councillor Keenan

Seconded by Councillor Rose

That Treasury report 2018-26 dated Sept 10, 2018 regarding Taxes Receivable for 10054 Highway 9, be received; and further,

That Staff be directed to proceed with sale of land for tax arrears as per section 371, 379 of the Municipal Act.

Carried

- e) **Treasury Report 2018-27 – 2018 Operating Status as at August 29, 2018**

Resolution 18-292

Moved by Councillor Keenan

Seconded by Councillor Rose

That Treasury Report #2018-27 dated September 10, 2018 regarding the 2018 Operating Status as at August 29, 2018 be received and filed as information.

Carried

- f) **Treasury Report 2018-28 – 2018 Capital Status as at August 29, 2018**

Resolution 18-293

Moved by Councillor Keenan

Seconded by Councillor Rose

That Treasury report # 2018-28 dated September 10, 2018 regarding “2018 Capital Status as at August 29, 2018” be received and filed as information.

Carried

10.3. Land Use Planning and Development

Chair Vacant, Vice Chair Councillor Dave Rose

a) **Planning Report 2018-26 – Garden Suite Extension (2539 County Road 50)**

Resolution 18-294

Moved by Councillor Rose

Seconded by Councillor Pinto

That Planning Report 2018-26 dated September 10, 2018 regarding “Garden Suite Extension (2539 County Road 50)” be received; and further

That a By-law to amend the effective date of By-law 08-23 for the property located at 2539 County Road 50 be considered.

Carried

b) **Planning Report 2018-27 – Economic Development Committee Update**

Resolution 18-295

Moved by Councillor Rose

Seconded by Councillor Keenan

That Planning Report # 2018-27 dated September 10, 2018 regarding “Economic Development Committee Update” be received; and further

That the Township website be updated to reflect the recently collected Business Directory information; and further

That staff be directed to prepare an application, in conjunction with the County of Simcoe, to request support from the Province’s Rural Economic Development fund with a maximum Township financial contribution of \$15,000, to complete a Feasibility Study for a ‘Bees Museum and Agriculture Centre’; and

That staff prepare a Request for Proposal for the completion of a branding and marketing exercise, to be reviewed by Council prior to public distribution.

Carried

c) **Planning Report 2018-28 – Rondax/Adjala South Draft Plan Conditions (1234 Concession Road 5)**

Councillor Pinto declared a pecuniary interest with agenda item 10.3 c) as he took part in an OMB, now LPAT, hearing. Councillor Pinto left the room and did not take part in any discussion on the matter.

Resolution 18-296

Moved by Councillor Rose

Seconded by Councillor Anderson

That Planning Report 2018-28 dated September 10, 2018 regarding “Rondax/Adjala South Draft Plan Conditions (1234 Concession Road 5)” be received; and further

That the Local Planning Appeals Tribunal be notified of the Conditions, as supported by Council.

Carried

11. New Business / Request for Staff Reports / Notices of Motion

- a) **Excessive Noise from Grain Dryer (6148 Concession Road 2) Deputation**

Resolution 18-297

Moved by Councillor Anderson

Seconded by Councillor Rose

That staff be directed to contact the owner of 6148 Concession Road 2 to raise issues regarding noise concerns from neighbouring properties; and

That staff try to work with the owner to try to minimize noise and other issues wherever possible.

Carried

- b) **Deputy Mayor Little – Notice of Motion – Reconsideration of Motion #18-228, July 9, 2018**

Councillor Pinto declared a pecuniary interest with agenda item 11 a) as this item relates to himself. Councillor Pinto left the room and did not take part in any discussion on the matter.

Resolution 18-298

Moved by Deputy Mayor Little

Seconded by Councillor Rose

Be it resolved that Resolution 18-228 dated July 9, 2018 be repealed and replaced with the following;

Whereas the Township of Adjala-Tosorontio is committed to maintaining a workplace where all employees are treated with dignity and respect and will have a zero tolerance of harassment towards its workers; and

Whereas the Township has adopted a Council Code of Conduct dated June 23, 2016 which outlines a standard of acceptable conduct for members of Council in performing their role of representing the Township; and

Whereas the Municipal Act, s. 223.4(5) authorizes the Township to impose certain penalties as identified by the Municipal act if a member of Council has contravened the Council Code of Conduct; and

Whereas Council has received Administration Report 2018-02 dated January 8, 2018 advising of a formal Harassment and Code of Conduct complaint against Councillor Pinto by an employee; and

Whereas Council, under Resolution 18-15 directed that Harold Elston be engaged as Integrity Commissioner to investigate such possible violations and to report on same; and

Whereas the Integrity Commissioner has, in his report dated July 5, 2018, found that in his opinion Councillor Pinto has contravened the Council Code of Conduct and that these transgressions were deliberate and serious; and

Whereas the Integrity Commissioner has made recommendations as to the penalties to be imposed on Councillor Pinto;

Now therefore be it resolved that Council adopt the Integrity Commissioner's report dated July 5, 2018 with the exception of the Integrity Commissioner's recommendation as to the penalties to be imposed on Councillor Pinto; and further

That Councillor Pinto receive a suspension of the remuneration paid to him in respect of his services as a member of Council, effective immediately or as soon as practicable for a period to end at the end of his term on Council, for having contravened the Councillor Code of Conduct by having injured the reputation of staff and for having caused harassment in the workplace, thereby breaching provisions of section 6.1.1.e), section 6.2, and section 6.16 of the Code; and further

That Councillor Pinto be removed from his role as Chair of the Land Use Planning and Development Standing Committee.

Carried

12. Consideration of Bills

12.1. Bill 1858 – A By-law for Prescribing Standards for the Maintenance and Occupancy of Property

Resolution 18-299

Moved by Councillor Anderson

Seconded by Councillor Rose

That Bill 1858 be enacted as a By-law of the Township of Adjala-Tosorontio.

Carried

12.2. Bill 1859 – A By-law to authorize the execution of an amending agreement with Her Majesty The Queen in Right of Ontario as represented by The Ministry of Community Safety and Correctional Services

Resolution 18-300

Moved by Deputy Mayor Little

Seconded by Councillor Rose

That Bill 1859 be enacted as a By-law of the Township of Adjala-Tosorontio.

Carried

12.3. Bill 1860 – A By-law to establish and appoint members to a Joint Compliance Audit Committee for the 2018 – 2022 Term

Resolution 18-301

Moved by Councillor Keenan

Seconded by Councillor Rose

That Bill 1860 be enacted as a By-law of the Township of Adjala-Tosorontio.

Carried

12.4. Bill 1861 – A By-law to amend Zoning By-law No. 03-56, as amended, of the Township of Adjala-Tosorontio – Part of Lot 4, Concession 6,

geographic Township of Adjala, 1482 Concession Road 7 (4301-010-001-09840)

Deferred

- 12.5. Bill 1862 – A By-law to extend By-law 08-23 being a By-law to Amend By-law 03-57, as amended, of the Township of Adjala-Tosorontio – Part of Lot 13, Concession 6, 2539 County Road 50 (4301-010-002-09800)**

Resolution 18-302

Moved by Deputy Mayor Little

Seconded by Councillor Rose

That Bill 1862 be enacted as a By-law of the Township of Adjala-Tosorontio.

Carried

13. Unfinished Business

Meeting Date	Report and/or Resolution #
September 14, 2016	Treasury Report # 2016-21 – Resolution 16-234 THAT Staff be directed to commence a list of possible recreational amenities and locations for a recreational facility for consideration by Council.
March 13, 2017	Administration Report # 2017-18 – Resolution 17-01 THAT staff be directed to initiate discussions with the Town of New Tecumseth and the Township of Essa to implement a generic collision tow truck licensing by-law which permits owners and operators to obtain a license from any participating municipality who issues licenses.
May 18, 2017	Resolution 17-211 – THAT Staff be directed to bring forward a report on sewer and water rates to the August Regular Meeting of Council
October 12, 2017	Resolution 17-354 – THAT Staff be directed to proceed with a Request for Quotation for staff uniforms for Building, Public Works, By-law and/or any other applicable staff with Township identification embroidered and report back to Council for consideration.
January 8, 2018	Administration Report # 2018-04 – Resolution 18-23 – Resolved that Administration Report # 2017-04 dated January 8, 2018 regarding “Proposed Barn Photo Project” be received; and further, THAT consideration of this item be postpone until a further date.

January 8, 2018	Resolution 18-27 – Resolved that Staff be directed to provide Council with the cost incurred by the Township for the Integrity Commissioner investigation into Councillor Meadows and Councillor Pinto, with an update on when will the Integrity Commissioner make the findings public. To be reported at March 2018 regular meeting of Council.
February 12, 2018	Resolution 18-42 – Resolved that the presentation by Troy Gibb and Soren Klemmensen regarding the creation of a designated ATV trail be received; and further, THAT this item be referred back to staff for a report on the proposal and current ATV by-law.

14. Confirmation By-Law

Bill 1863 – A By-law to confirm the Proceedings of Council of the Township of Adjala-Tosorontio at its meeting held on September 10, 2018

Resolution 18-303

Moved by Councillor Rose

Seconded by Councillor Pinto

Resolved that Bill 1863 to Confirm the Proceeding of Council at its regular meeting held September 10, 2018 be introduced a first, second and third time and enacted as a By-law of the Township of Adjala-Tosorontio.

Carried

17. Date of Next Meeting

Regular Meeting of Council November 13, 2018 at 6:30 p.m.

18. Adjournment

The meeting adjourned at 9:45 p.m.