



**Council Minutes  
Held at the Council Chambers  
199 Currie Road, Dutton, Ontario  
June 13, 2018 - 5:00 p.m.**

Present: Mayor Cameron McWilliam  
Deputy Mayor Bob Purcell  
Councillor Dan McKillop  
Councillor Ian Fleck  
Councillor Mike Hentz  
Treasurer Joe McMillan  
Deputy Clerk Heather Bouw

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Bryan T. Smits, Student at Law with Miller Thomson Lawyers, representing Invenergy LLC, also attended the meeting.

Opening of the Meeting

**2018.11.01            MOVED by McKillop and SECONDED by Fleck THAT the meeting of the Council of the Municipality of Dutton Dunwich opens at 5:00 p.m.  
CARRIED**

A quorum was present.

Declaration of Pecuniary Interest

None declared

Adoption of Draft Minutes

**2018.11.02            MOVED by Purcell and SECONDED by Fleck THAT Council approves the draft minutes of the May 23<sup>rd</sup>, 2018 meeting, as forwarded to Council Members, and the Mayor and CAO/Clerk be authorized to sign same.**

**CARRIED**

Review of Items not Listed on Agenda

1. Two additional legal matters will be presented in the Closed Session.

**PUBLIC WORKS DEPT**

Public Works Monthly Report

The Director of Public Works presented this report to Council.

Monthly Safety Meeting Minutes – June 6, 2018

Council reviewed the meeting minutes.

### **WATER DEPT**

#### Water Operation Manager's Monthly Report

The Water Operation Manager presented this report to Council.

#### Monthly Safety Meeting Minutes – May 14, 2018

Council reviewed this report.

#### Monthly Safety Meeting Minutes – June 7, 2018

Council reviewed this report.

### **WASTEWATER DEPT**

#### Wastewater Operator's Monthly Report

The Wastewater Operator presented this report to Council.

### **BUILDING DEPT**

#### Monthly Report - May 2018

No report at this time.

### **FIRE DEPT**

Council reviewed the Fire Chief's Monthly Report.

### **POOL STAFF REPORT**

#### Aquatic Programs

Supervisor Caleb Nielson presented this report to Council. Caleb reported that there were no deficiencies found during the Elgin St. Thomas Public Health inspection. There has been a slight delay in opening the pool this year due to tile replacement in one of the change rooms. The pool will be open tonight for the first time this season.

### **DRAINAGE DEPT**

#### Drainage Superintendent's Monthly Report

The Drainage Supt presented this report to Council.

#### Appoint Engineer – Bennett Drain

**2018.11.03**            **MOVED** by Hentz and **SECONDED** by McKillop **THAT** the Council of the Municipality of Dutton Dunwich appoint Spriet Associates to prepare the necessary reports for the drainage request for improvements to the Bennett Drain, filed by:

- William and Marjorie Patterson Farms Ltd.
- Mr. & Mrs. David Durham
- Mr. & Mrs. Richard Hodder
- Mr. & Mrs. John Bennetto

**AND THAT** notice of Council's decision to appoint the engineer be sent to all requesters, the LTVCA, OMAFRA and Spriet Associates.

**CARRIED**

Report – Receipt of Section 78 Requests to Improve the Brown Drain  
The Drainage Supt presented this report to Council.

**2018.11.04**            **MOVED by Purcell and SECONDED by Fleck THAT the Council of the Municipality of Dutton Dunwich receives and decides to proceed with the drain improvement requests under Section 78 of the *Drainage Act* that were received from the following:**

1. Mrs. M. Durham
2. Mr. & Mrs. D. Durham

**and instructs the Clerk to notify the LTVCA as required under Section 78(2) of the *Drainage Act* for the drain improvement; and**

**THAT the requesting landowners be notified of Council’s decision to proceed; and**

**THAT an Engineer will be appointed under the appropriate section of the *Drainage Act* after the 30 day time period from the notice of Council’s decision to proceed was sent to the LTVCA and OMAFRA has passed.**

**CARRIED**

#### **CORRESPONDENCE**

- a) **AMO** – Municipal Delegations at the 2018 AMO Conference – *to be discussed at the next Council meeting*
- b) **City of Quinte West** – Requesting Support of Resolution – Cannabis Grace Period Request – *see Resolution #2018.11.05*
- c) **Dutton & District Lions Club** – Resolution Required for SOP (Canada Day) – *see Resolution #2018.11.06*
- d) **Dutton & District Lions Club** – Resolution Required for SOP (Sportsfest) – *see Resolution #2018.11.07*
- e) **Infrastructure Ontario** – Response to a Request for Commuter Parking *Staff directed to contact MTO requesting other suggestions for green parking. The Director of Public Works stated that MTO representatives have assured him that the four 401 overpasses located in Dutton Dunwich are on MTO’s 5 year plan for improvements.*
- f) **Ministry of Community Safety and Correctional Services** – New Fire Safety Regulations under the *Fire Protection and Prevention Act (FPPA)* – *These changes will allow Council access to additional information on an annual basis. Risk assessment have been completed and sent to the OFMEM.*
- g) **Service Ontario** – Recognition – Top Private Office Performance 2018- *Article to be published in The Chronicle*
- h) **WECHC** – In-Kind Donation Request – *see Resolution #2018.11.08*

**2018.11.05**            **MOVED by Fleck and SECONDED by McKillop THAT the Council of the Municipality of Dutton Dunwich supports the resolution of the City of Quinte West requesting that once the cannabis legislation is passed, a six-month grace period be enacted to ensure that municipal**

law enforcement officers and the Ontario Provincial Police are adequately trained to enforce the said legislation; and

THAT this resolution be forwarded to the City of Quinte West.

CARRIED

2018.11.06            **MOVED by McKillop and SECONDED by Purcell THAT the Council of the Municipality of Dutton Dunwich declares the Dutton Dunwich Canada Day Celebrations held on July 1, 2018, to be an event of Municipal significance.**

CARRIED

2018.11.07            **MOVED by Purcell and SECONDED by McKillop THAT the Council of the Municipality of Dutton Dunwich declared the Dutton & District Lions Sportsfest Weekend Celebration, held from July 14-July 15, 2018, to be an event of Municipal significance.**

CARRIED

2018.11.08            **MOVED by McKillop and SECONDED by Hentz THAT the Council of the Municipality of Dutton Dunwich grants an in-kind donation to the West Elgin Community Health Centre in an amount not to exceed \$90.00 + HST to waive the fee for a free swim for Teddy Bear Picnic registrants (40) on August 1, 2018 from 1-2 pm.**

CARRIED

2018.11.09            **MOVED by Purcell and SECONDED by Fleck THAT relevant correspondence was reviewed.**

CARRIED

### **Consent Agenda**

#### **Correspondence for Review**

- **a) Elgin County** – Miller Road Street Lights in Dutton Dunwich

#### **Committee Reports**

- By-Law Enforcement
- Canada 150
- Cultural Heritage Committee
  - Apr 18, 2018 Meeting Minutes
- Dutton Dunwich Seniors Centre
  - May 28, 2018 Meeting Minutes
- Economic Development
- Elgin Phragmites Working Group
- Elgin-St. Thomas Municipal Association
- Emergency Management
- Fire Department
- Healthy Communities Partnership
- Heritage Committee
- Human Resources

- Lower Thames Conservation Authority
- Occupational Health and Safety
- Recreation Advisory Committee
  - Youth Council Report
  - Councillor Hentz reported that the Recreation Advisory Committee, under Council's direction, would like to initiate a process to develop a Master Plan for the Sons of Scotland Park. As part of the process, and to gather public input and vision for the park, staff has requested that an information table be available at the Canada Day Celebration. Staff will also have information explaining Council's decision for the splash pad location, and update on its progress, as well as outlining the new boundaries of the park.
- Shoreline Management Report
- Source Protection Authority
- Trans Canada Trail
- Tri County Committee
- West Elgin Arena Board

**2018.11.10                    MOVED by Purcell and SECONDED by Fleck THAT the items on the Consent Agenda be approved.**

**CARRIED**

Meeting to Consider the Report – Cameron Graham Drain 2018 - 5:30 pm

Engineer John Spriet and Drainage Superintendent Brent Clutterbuck attended the meeting. Also in attendance were Phil Smith, Peter Young and Director of Public Works Ryan Brown. The Chairman called the meeting to order and made the following statement: "This is the Meeting to Consider the Report for the Cameron Graham Drain 2018, dated May 16, 2018 and submitted by the Engineer John M. Spriet of Spriet Associates. The purpose of this meeting is to allow the landowners and other affected parties to be given opportunity to voice their concerns relating to any aspect of this report. I would ask that any affected parties present, sign the attendance sheet for the record. During this meeting, each owner in the area requiring drainage that signed the petition shall be given the opportunity to withdraw their name by putting the request in writing, signing and filing the notice with the Clerk. Any owner in the area requiring drainage who did not sign the petition shall be given the opportunity to do so. 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". The Chairman then asked the Deputy Clerk if everyone was 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 Deputy Clerk responded that yes, on May 24, 2018, all landowners and affected parties required to be notified under Section 41 of the *Drainage Act* were sent by regular mail or email a notice of the date, time and location of this meeting. The notice included a copy of the Report of the Engineer for the Cameron Graham Drain 2018, dated May 16, 2018. The Chairman then asked that the Engineer, John M. Spriet, present his report. This report is authorized under Section 4 and 78 of the Drainage Act. The Engineer is proposing to start the cleanout at the Brown open ditch at Shackleton Line and proceed south to cross the Entegrus and Chesapeake & Ohio RWY. Entegrus has asked for their culvert to be removed and the drain left as an open ditch the right-of-way. The Chesapeake and Ohio Rwy have specified for their culvert replaced to their active railway construction standards. The Cameron Graham Drain outlets into the Brown Drain in the area of the property line between the C&O RWY and the Hydro One lands. The Cameron Graham Drain is recommended to be reconstructed as a tile drain along its entire length and in approximately the same location as the exiting tile. Two new branches have been

petitioned for to provide a legal out let for other lands in the watershed. There were no questions from Council. There were no questions or concerns from any landowner or affected party. There were no landowners present who wished to add or remove their name(s) from the petition. The Chairman stated that the Clerk will be mailing a copy of the Provisional By-law, duly passed tonight, to all landowners and affected parties as required by Section 46 of the *Drainage Act*. The Court of Revision for the Cameron Graham Drain 2018 will be held on July 11, 2018 at 5:30 p.m. in Council Chambers at the Municipality of Dutton Dunwich. 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 Clerk of the Municipality of Dutton Dunwich. And further, under Section 48(1) of the *Drainage Act* any owner of land or any public utility affected by a drainage works, may appeal to the Tribunal 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;

And under Section 47(1) of the *Drainage Act* may appeal to the Referee on the grounds that the report does not comply with the requirements of the *Drainage Act*, and in every case a notice of appeal shall be served to the Clerk of the Municipality of Dutton Dunwich within 40 days of the mailing of the Provisional By-law. An information sheet titled "Drainage Act Appeals" is available that explains the appeals that are available under the *Drainage Act*. If you wish a copy of this fact sheet or to file an appeal with regards to this drain, the required appeal forms are available on the OMAFRA website and upon request at the Municipal office. If you wish to appeal you must file your appeal with the Clerk of Dutton Dunwich. If you have any questions regarding this drain or any other municipal drain in the Municipality of Dutton Dunwich, please contact our Drainage Superintendent Brent Clutterbuck at the Municipal office.

**2018.11.11                    MOVED by Fleck and SECONDED by McKillop THAT the Meeting to Consider the Engineer's Report for the Cameron Graham Drain 2018 opens at 5:30 p.m.**

**CARRIED**

**2018.11.12                    MOVED by McKillop and SECONDED by Purcell THAT the Council of the Municipality of Dutton Dunwich will provisionally adopt By-law #2018-37 during this meeting; and**

**THAT the Meeting to Consider the Engineer's report for the Cameron Graham Drain 2018 closes at 5:38 p.m. and the regular meeting reconvene.**

**CARRIED**

### **CAO's REPORT**

Updates on Projects/Work  
Council reviewed this report.

### **TREASURER's REPORTS**

- a) Budget to Actual May 2018  
The Treasurer presented this report to Council.
- b) Council Remuneration Report 2017  
The Treasurer presented this report to Council.

**2018.11.13                    MOVED by Fleck and SECONDED by McKillop THAT the Council of the Municipality of Dutton Dunwich receives the Treasurer’s report titled “Council Remuneration Report 2017”, dated June 13, 2018.**

**CARRIED**

- c) Investment Policy  
The Treasurer presented this report to Council.

**2018.11.14                    MOVED by Hentz and SECONDED by Fleck THAT the Council of the Municipality of Dutton Dunwich approves and adopts the Investment Policy FIN #01-2018.**

**CARRIED**

- d) Water Supply Agreement Financing  
The Treasurer presented this report to Council and explained that this is an open-ended borrowing agreement that could be paid off early. If the municipality required more volume, that could also be negotiated.

**2018.11.15                    MOVED by McKillop and SECONDED by Fleck THAT the Council of the Municipality of Dutton Dunwich finance the Buy-in Charge of \$252,000.00 for the Dutton Dunwich, Southwold and St. Thomas Secondary Water System using the terms illustrated in Section 3.2.1.1 of the Water Supply Agreement, which was approved by Council on May 23, 2018, and passed by By-law #2018-36.**

**CARRIED**

**MUNICIPAL ENFORCEMENT UNIT (MEU)**

ATV By-law Update Report  
Council reviewed this report

Delegation Request – Kelsey McConnell  
Mr. McConnell was contacted by phone. Mr. McConnell stated that he has had numerous discussions with Mr. Menzie regarding a draft ATV by-law. The Dutton Quad Riders Assoc. has been working on their requirements as a club, as well as preparation of trail route maps. It is their hope to ensure all bases are covered so the by-law is precisely what is required by both their association and Council. Mayor McWilliam agreed and stated that Council is of the same opinion. Mayor McWilliam also suggested they reach out to the public for input. Mr. McConnell said he plans to have route maps completed in the early part of July. Although Mr. McConnell believes the by-law will not be in place for this year’s ATV season, he hopes it will be passed in the fall.

**DEPUTY CLERK’S REPORT**

Compliance Audit Committee Appointments  
The Deputy Clerk presented this report to Council.

**ADMINISTRATIVE ASSISTANT’S REPORT**

Employment Standards Act – Fair Workplaces, Better Jobs Act, 2017  
Council reviewed this report.

**2018.11.16**            **MOVED** by Fleck and **SECONDED** by Hentz **THAT** the current Compassionate and Emergency Leave Policy, adopted by Council on September 15, 2010 by Resolution #10.16.10, be amended and renamed Personal Emergency Leave; and

**THAT** the Council of the Municipality of Dutton Dunwich approves and adopts the amended and renamed Personal Emergency Leave Policy #AW 03-2014 to become compliant with amendments to Bill 148 – the Fair Workplaces, Better Jobs Act.

**CARRIED**

**2018.11.17**            **MOVED** by Hentz and **SECONDED** by Fleck **THAT** the Council of the Municipality of Dutton Dunwich approves and adopts the following new policies to become compliant with amendments to Bill 148 – the Fair Workplaces, Better Jobs Act:

- Child Death Leave
- Crime Related Child Disappearance
- Critical Illness Leave
- Family Caretaker Leave
- Family Medical Leave
- Organ Donor Leave

**CARRIED**

**CLOSED SESSION**

**2018.11.18**            **MOVED** by Fleck and **SECONDED** by McKillop **THAT** Council for the Municipality of Dutton Dunwich now moves into a session of the meeting that shall be closed to the public at 5:56 p.m. in accordance with Section 239 (2) of the *Municipal Act*, S.O. 2001, c. 25 for discussion of the following matters:

1. Legal Matter – Miller Road Sewer Connections
2. Property Matter
3. Legal Matter

**CARRIED**

**2018.11.19**            **MOVED** by Purcell and **SECONDED** by Fleck **THAT** Council for the Municipality of Dutton Dunwich hereby comes out of the closed session of the meeting at 6:22 p.m. and the regular meeting reconvenes.

**CARRIED**

**2018.11.20**            **MOVED** by Fleck and **SECONDED** by McKillop **THAT** the Council of the Municipality of Dutton Dunwich supports the recommendation of the Treasurer, that in accordance with By-law #2016-40 and the 2018 User Fees By-law, the sewer connection fee of \$1,000.00 will not be waived for property located at 11124 Miller Road, Dutton, Ontario.



CARRIED

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**PROPOSED BY-LAWS**

2018.11.21            **MOVED by Hentz and SECONDED by Purcell THAT By-law #2018-04, being a by-law to authorize the execution of a lease agreement between Westminster Mobile Medical Imaging Inc. and the Corporation of the Municipality of Dutton Dunwich for the lease of a portion of the premises located at 156 Currie Road, Dutton, be read a first, second and third time and passed.**

CARRIED

2018.11.22            **MOVED by Purcell and SECONDED by Hentz THAT By-law #2018-32, being a by-law to borrow on the credit of the Corporation the amount of \$7,080.00 for the construction and improvement of the R&M Small Drain, be read a first, second and third time and passed.**

CARRIED

2018.11.23            **MOVED by McKillop and SECONDED by Purcell THAT By-law #2018-37, being a by-law to borrow on the credit of the Corporation the amount of \$189,900.00 for the construction and improvement of the Cameron Graham Drain 2018, be read a first and second time and provisionally adopted, and the Court of Revision to be held on July 11, 2018 at 5:30 p.m.**

CARRIED

2018.11.24            **MOVED by Hentz and SECONDED by Fleck THAT By-law #2018-39, being a by-law to appoint members to the Elgin Election Joint Compliance Audit Committee for the 2018 Municipal Election, be read a first, second and third time and passed.**

CARRIED

2018.11.25            **MOVED by Fleck and SECONDED by McKillop THAT By-law #2018-40, being a by-law to confirm the proceedings of the Municipal Council of the Municipality of Dutton Dunwich, be read a first, second and third time and passed.**

CARRIED

**ANNOUNCEMENTS**

None

**NEXT MEETING SCHEDULE**

June 27, 2018 – 5:00 p.m.

July 11, 2018 – 5:00 p.m.

Aug 8, 2018 - 5:00 p.m.

**ADJOURNMENT**

**2018.11.26                    MOVED by Purcell and SECONDED by Fleck THAT the meeting of  
the Council of the Municipality of Dutton Dunwich closes at 6:31 p.m.**

**CARRIED**

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Cameron McWilliam, Mayor

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Laurie Spence Bannerman, CAO

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