



The Corporation of the Township of Huron-Kinloss
Council Meeting Minutes

Date: July 19, 2021
Time: 7:00 pm
Location: Electronic Meeting

Members Present Don Murray, Deputy Mayor
Lillian Abbott, Councillor
Jim Hanna, Councillor, left at 8:54 p.m.
Ed McGugan, Councillor
Carl Sloetjes, Councillor

Members Absent Mitch Twolan, Mayor
Jeff Elliott, Councillor

Staff Present Emily Dance, Clerk
Jodi MacArthur, Treasurer
Grant Collins, Drainage Superintendent

1. Call to Order

Deputy Mayor Murray called the meeting to order at 7:00 p.m.

2. Disclosure of Pecuniary Interest

**2.1 Don Murray - Municipal Drain Improvement Request – Sutton Drain
DRAIN2021-07-12**

Family Member

**2.2 Don Murray - By-Law No. 2021-80 being the Zoning Amendment By-
law – Rick Smith Farms Limited Z-2021-010**

Family Member

3. Adoption of the Minutes

Resolution No.: 508

Moved by: Ed McGugan
Seconded by: Lillian Abbott

THAT the Township of Huron-Kinloss Council hereby adopts the July 12, 2021 Council (Planning) Meeting Minutes as presented.

Carried

4. Delegations

5. Public Hearing to Consider Drainage Reports

5.1 Robert McDonald Municipal Drain Report

Bill Dietrich, P. Eng, Dietrich Engineering presented the Robert MacDonald Municipal Drain report and explained that the purpose was to review the engineering and scope of work.

He explained that Section 4 of the Drainage Act gives the authority to prepare the report which was obtained by a resolution of the Township of Huron-Kinloss Council to prepare an Engineer's Report.

Mr. Dietrich explained that the existing Robert MacDonald Award Municipal Drain was originally constructed under the authority of a report prepared by A. W. Clark, P.Eng., of Maitland Engineering Services Ltd., dated June 8, 1983. This report provided for the construction of a closed drainage system from Lot 17, Concession 7, downstream to the boundary between Lot 22 and Lot 23, Concession 6 former Township of Huron also included was the deepening and incorporation of approximately 200 meters of natural watercourse on the east part of Lot 23, Concession 6, and that the outlet for this drain is a natural watercourse.

An information meeting was held to gather information from the landowners and following the report was prepared for Council consideration. Mr. Dietrich noted that the changes to take place as described in the report which will become a new part of the existing drainage system. He explained that the properties assessments and construction costs are outlined in the report along with future maintenance costs.

Council Questions and Comments

Questioned how the system was designed for a storm event and

confirmed that the petitioner is picking up the majority of the costs associated with the drain.

Mr. Dietrich explained that the drainage system is designed for a 5-10 year storm and the drainage coefficient design standard used for this drain is 38 mm of rainfall per 24 hours. It was confirmed that Mr. Hunter is taking on the majority of costs on the drain.

A question was asked on where the overburden was coming from to enclose the drain. It was explained that the material used for the installation of the pipe along with an area that will be stripped will be used, no material will be imported from off-site.

Questioned why a part of the drain would not be covered by OMAFRA for grant funding. The Engineer explained that if you have an existing open ditch under a municipal drain that portion is not eligible for 1/3 grant funding to enclose it.

Public Comments

Terrance Jefferies, 110 Bruce Beach Road requested clarification on the location of the MacDonald Drain.

It was clarified that the drain location was Concession 6, east of Highway 21.

5.1.1 Robert MacDonald Municipal Drain, 2021 Report DRAIN2021-07-14

Resolution No.: 509

Moved by: Carl Sloetjes

Seconded by: Jim Hanna

That the Township of Huron-Kinloss Council hereby approves Report Number DRAIN 2021-07-14 prepared by Grant Collins, Drainage Superintendent and approves the Robert MacDonald Municipal Drain prepared by Dietrich Engineering Limited of Waterloo for an improvement AND FURTHER authorizes provisional approval on tonight's agenda AND FURTHER approves the Court of Revision to take place on Monday August 9, 2021 at 7:30 p.m.

Carried

5.2 Bruce Beach Municipal Drain Phase 1

Steve Brickman, P. Eng, Headway Engineering presented the Bruce Beach Municipal Drain Phase 1 Report. He explained that there are 3 components of the drain that will be discussed, including the construction of the detention pond, Lake Range Drive road crossing, and improvements to the ravine. It does not include works, the downstream works to the beach. That will be included in a separate phase.

He explained that Dietrich Engineering Limited was appointed by Council on November 19, 2018, under Section 4 of the Drainage Act which Council then modified its appointment of the Engineer on May 3, 2021, to Headway Engineering.

Mr. Brickman reviewed the timeline of events that the project has taken place so far. He noted that there was a significant event that happened end of summer 2020 that enforced the need to move forward with the project to protect public and private property.

In 2021, the Township applied to OMAFRA for an emergency order to move forward quickly which was not approved and resulted in Headway Engineering preparing the Phase 1 report that is being discussed at this meeting. Phase 2 is to deal with taking the drainage system to the lake will be presented in a separate report.

He noted that the findings include that nearly 200 acres drain to the ravine and the ravine is experiencing high levels of erosion. He explained that the design includes the construction of the detention facility (intercepting surface water runoff, detains the water, and releases it in a controlled manner downstream), road crossing on Lake Range Drive, and improvements to the ravine.

He explained that through his modeling it was discovered that the ravine erosion would continue in the same manner with the construction of the detention pond. Mr. Brickman noted that flooding projects are designed for big storm events and erosion projects for small storms.

The estimated costs are around one million dollars including allowances, construction costs, administration, and taxes. Mr. Brickman went on to explain the process moving forward, tonight's meeting is to consider adopting the report, pass the provisional by-law and set the date for the Court of Revision. Following Township staff will forward a copy of the provisional by-law to the landowners and include a notice of the court of revision. This is when the appeal process commences.

The Court of Revision is to deal with the assessment. Once the appeal process is complete the Township can move forward with passing the By-Law.

Council Comments and Questions

Confirmed that it is important to understand that it is the design elements to be discussed tonight. Council requested clarification on the works going downstream and the control structure at the detention facility.

Mr. Brickman explained that the outlet structure is CSP riser, circular perforated surrounded by riprap to prevent debris from getting in. The cap will control the flow going downstream. In emergency situations when the flow is beyond what the system is designed it can overflow into the top and into the emergency flow pipe.

A question was asked regarding the west of the Lake Range Dr, 20-meter drop, and the orifice plate. Mr. Brickman clarified that the difference between the orifice plate and ground centerline is 29 meters.

Council requested confirmation that the agriculture property where the detention pond is located can still be farmed. The Engineer explained that it is designed to be workable it would only have rainfall during an event and a short time after, designed as a dry detention facility.

Public Comments

Peter Schlegel, questioned the depth of the detention pond and if it will have any effect on his tile drainage system as it is all systematically drained and was unsure of the location of his outlet.

Mr. Brickman confirmed that the location of his outlet is close to the property line between his and Brucelea Poultry Farms and other outlets upstream. The proposal will affect his tile and given him an allowance for use of property and damages. The damage allowance is to provide compensation for Mr. Schlegel to adjust his tile drainage system but it won't impede his drainage.

Mr. Schelgal confirmed his net assessment for the project is approx \$130,000.

Tom Clark, 97 Bruce Beach Road noted that the Engineer provided an outstanding report. He explained that during the events in 2018 and 2020 his property got washed out. Questioned if the design Phase 1 will slow

the velocity of the water so he won't experience what happened in 2018 and 2020.

Mr. Brickman confirmed with the construction, the damage seen in the past will not occur, the flow will be substantially reduced and released in a controlled manner.

David Moore, 94-2 Bruce Beach Road explained that the ravine is dry most of the time when there is an event there is flow then get dry again. He noted that the bend has eroded slightly only happens when there is an event. He supports the detention facility and noted that it is the key part to control the flow. He noted that there has been a new culvert constructed with a grate with 2" holes on it and it is already blocked with debris and with an event it could cause serious issues. Mr. Moore has concerns with the cover on the culvert as it will cause damage to the neighbouring properties that he understands was constructed without approvals from the conservation authority and the Township.

He questioned what effects will the appeal process have on the timelines for the construction of the detention pond and if the retention pond could be dealt with separately from the ravine.

The Engineer explained that with the construction of the detention pond the erosion of the ravine will remain similar to how it is currently.

Mr. Brickman explained that if there is an appeal it will hold up the construction. He noted that the Tribunal is trying to have hearings however they are backlogged. An appeal to the Tribunal on the design will hold up construction, if there is an appeal to the assessment it may affect construction times, it will be up to the Tribunal to determine to allow the construction to proceed with an appeal to assessment.

Mark Gancevich, 98 Bruce Beach Road noted he was a major recipient of water and his property has experienced several hundreds of thousands of dollars of damages and noted that it is more than just the pond it is the whole system that is failing. He felt that over the years the Township did not allocate enough financial resources to the management of the water and that the Township should look at the allocation for the Township's portion for the system. He suggested that this system was not designed to take the additional flows from the development at Lake Range and that there have been missteps along the way.

Kristy Botden, 714 & 716 Lake Range Drive noted that in the report the outlet for 98 Bruce Beach Road was not a long-term solution, she

questioned why consider Phase 1 if it is unknown where the outlet will be for Phase 2. She further questioned if property owners would be assessed for both Phases, what determines outlet liability, and is there a yearly value in total for maintenance costs.

The Engineer explained that the project was looked at in phases as a way to get the detention pond constructed being the most important part. Phase 2 portion will deal with an outlet to the beach. Regardless of the outcome of Phase 2 the work in Phase 1 is required and will not be redone. Mr. Brickman confirmed that properties in the watershed would be assessed for both phases of the work.

He explained that the outlet liability on all properties portion of the area within the watershed and depends on the land cover type and the portion of the property that uses the drain. Mr. Brickman explained that there won't be an annual maintenance cost. Maintenance is performed as needed on a response basis and billed out accordingly.

Richard Outerbridge- 89 Martyn Lane- Confirmed that the maintenance costs are on an as-needed basis and questioned if, when Phase 1 and Phase 2 will be protected from the 100-year storm.

Mr. Brickman confirmed that the level of damage that occurred in 2020 would not occur once the detention pond is constructed.

Barb Moffat 102 Bruce Beach Road- Noted that there was not a response from Mark Gancevich earlier questions about the distribution of the costs and questioned if Council had a response.

Council commented that the general levy is distributed across the Township but the report and assessment are based on the drain project. If you are part of the watershed and confirmed that property owners are responsible for the water on their land as it contributes to the municipal drain. Projects costs are isolated to those in the report, not the entire Township different from storm sewer projects in urban areas.

Brett Pollock on behalf of Sandy Pollock 95-2 Bruce Beach Road - Noted concerns with the work on the ravine and requested that the ravine be taken out of the report until the outlet has been settled and requested information on the appeal process as related to the design. Commented that it might be an option to straighten the ravine.

Mr. Brickman explained that the appeal period for the design to the Tribunal is a time-limit based on the mailing of the provisional By-Law (40 days) forms available from OMAFRA on the process.

5.2.1 Bruce Beach Municipal Drain Phase 1 Report DRAIN2021-07-13

Resolution No.: 510

Moved by: Ed McGugan

Seconded by: Carl Sloetjes

That the Township of Huron-Kinloss Council hereby approves Report Number DRAIN 2021-07-13 prepared by Grant Collins, Drainage Superintendent AND accepts the Bruce Beach Municipal Drain Phase 1 report prepared by Headway Engineering AND FURTHER authorizes provisional approval on tonight's agenda AND FURTHER approves the Court of Revision to take place on Monday August 9, 2021 at 7:30 p.m.

Carried

6. Financial Reports

6.1 June 2021 Accounts TR2021-07-53

Resolution No.: 511

Moved by: Jim Hanna

Seconded by: Lillian Abbott

That Township of Huron-Kinloss Council ratifies and confirms payment of the June 2021 accounts in the amount of \$3,608,146.65.

Carried

6.2 Revenue and Expenditure Reports to June 30, 2021 TR2021-07-54

Resolution No.: 512

Moved by: Carl Sloetjes

Seconded by: Jim Hanna

That Township of Huron-Kinloss Council hereby reviews and receives the summary revenue and expenditure reports to June 30, 2021 prepared by Jodi MacArthur, Treasurer.

Carried

6.3 July 2021 Accounts TR2021-07-55

Resolution No.: 513

Moved by: Ed McGugan
Seconded by: Carl Sloetjes

That the Township of Huron-Kinloss Council hereby authorizes payment of the July 2021 accounts in the amount of \$637,517.89

Carried

7. Staff Reports

7.1 Municipal Drain Improvement Request – Sutton Drain DRAIN2021-07-12

Don Murray declared a conflict on this item. (Family Member)

Deputy Mayor Murray left the meeting, Councillor Hanna assumed the Chair.

Resolution No.: 514

Moved by: Lillian Abbott
Seconded by: Carl Sloetjes

That the Township of Huron-Kinloss Council hereby approves Report Number DRAIN 2021-07-12 prepared by Grant Collins, Drainage Superintendent AND accepts the request of Mr. Rick Smith for an improvement to the Sutton Municipal drain AND further appoints Steve Brickman of Headway Engineering Limited to undertake the project and provide a resolution.

Carried

7.2 Emergency Management Update (22) CLK2021-07-85

Deputy Mayor Murray returned to the meeting and resumed the Chair.

Resolution No.: 515

Moved by: Jim Hanna

Seconded by: Ed McGugan

That the Township of Huron-Kinloss Council hereby receives for information Report Number CLK-2021-07-85 prepared by Emily Dance, Clerk

Carried

7.3 Information on the Table CLK2021-07-86

Resolution No.: 516

Moved by: Carl Sloetjes

Seconded by: Lillian Abbott

That the Township of Huron-Kinloss Council hereby receives for information Report Number CLK-2021-07-86 prepared by Kelly Lush, Deputy Clerk

Carried

7.4 Pine River Water Monitoring Reports June 2021 CLK2021-07-89

Resolution No.: 517

Moved by: Lillian Abbott

Seconded by: Jim Hanna

That the Township of Huron-Kinloss Council hereby receives for information Report Number CLK-2021-07-89 prepared by Kelly Lush, Deputy Clerk/Administrative Assistant.

Carried

8. Correspondence Requiring Direction

8.1 Bruce Beach Cottagers Association Annual General Meeting

Council directed the Clerk to thank the Bruce Beach Cottagers Association; however, with Council meeting still meeting virtually due to the pandemic they felt that it would not be appropriate to attend an in-person meeting at this time.

9. By-Laws and Agreements

**9.1 By-Law No. 2021-76 being the Vacant Unit Rebate Opt Out By-Law
Resolution No.: 518**

Moved by: Carl Sloetjes
Seconded by: Lillian Abbott

THAT By-Law No. 2021-76 being the Vacant Unit Rebate Opt Out By-Law be read a first, second, third time and finally passed this 19th day of July, 2021.

Carried

**9.2 By-Law No. 2021-77 being the Whitechurch Hall Demolition Tender
By-Law**

Resolution No.: 519

Moved by: Lillian Abbott
Seconded by: Jim Hanna

THAT By-Law No. 2021-77 being the Whitechurch Hall Demolition Tender By-Law be read a first, second, third time and finally passed this 19th day of July, 2021

Carried

9.3 By-Law No. 2021-78 being the Lighthouse Webcam MOU By-Law

Resolution No.: 520

Moved by: Ed McGugan
Seconded by: Carl Sloetjes

THAT By-Law No. 2021-78 being the Lighthouse Webcam MOU By-Law be read a first, second, third time and finally passed this 19th day of July, 2021

Carried

9.4 By-Law No. 2021-79 being the Zoning Amendment By-law – DeJong Z-2021-035

Resolution No.: 521

Moved by: Jim Hanna

Seconded by: Lillian Abbott

THAT By-Law No. 2021-79 being the Zoning Amendment Dejong By-Law be read a first, second, third time and finally passed this 19th day of July, 2021

Carried

9.5 By-Law No. 2021-80 being the Zoning Amendment By-law – Rick Smith Farms Limited Z-2021-010

Don Murray declared a conflict on this item. (Family Member)

Deputy Mayor Murray left the meeting, Councillor Hanna assumed the Chair.

Resolution No.: 522

Moved by: Ed McGugan

Seconded by: Lillian Abbott

THAT By-Law No. 2021-80 being the Rick Smith Farms Limited By-Law be read a first, second, third time and finally passed this 19th day of July, 2021.

Carried

9.6 By-Law No. 2021-81 being the Zoning Amendment By-law – Courtney Z-2021-051

Deputy Mayor Murray returned to the meeting and resumed the Chair.

Resolution No.: 523

Moved by: Carl Sloetjes

Seconded by: Lillian Abbott

THAT By-Law No. 2021-81 being the Courtney Zoning By-Law Amendment be read a first, second, third time and finally passed this 19th day of July, 2021.

Carried

9.7 BY-Law No. 2021-82 being the Collection of Capital Charges By-Law

Resolution No.: 524

Moved by: Lillian Abbott

Seconded by: Jim Hanna

THAT By-Law No. 2021-82 being the Collection of Capital Charges By-Law be read a first, second, third time and finally passed this 19th day of July, 2021

Carried

9.8 By-Law No. 2021-83 being the FCM Vehicle Based Roads/Sidewalks Assessment and Asset Management Software Grant Agreement By-Law

Resolution No.: 525

Moved by: Jim Hanna

Seconded by: Ed McGugan

THAT By-Law No. 2021-83 being the FCM Vehicle Based Roads/Sidewalks Assessment and Asset Management Software Grant Agreement By-Law be read a first, second, third time and finally passed this 19th day of July, 2021

Carried

9.9 By-Law No. 2021-84 being the MacDonald Municipal Drain 2021 By-Law

Resolution No.: 526

Moved by: Ed McGugan

Seconded by: Carl Sloetjes

THAT By-Law No. 2021-84 being the MacDonald Municipal Drain 2021 By-Law be read a first and second time, and provisionally passed this 19th day of July, 2021.

Carried

9.10 By-Law No. 2021-85 being the Bruce Beach Drain Phase 1 By-Law

Resolution No.: 527

Moved by: Lillian Abbott

Seconded by: Jeff Elliott

THAT By-Law No. 2021-85 being the Bruce Beach Drain Phase 1 By-Law be read a first and second time and provisionally passed this 19th day of July, 2021

Carried

10. Information

10.1 Grey Bruce Public Health Correspondence

10.2 Community Schools Alliance Correspondence

10.3 Motion to Receive

Resolution No.: 528

Moved by: Ed McGugan

Seconded by: Lillian Abbott

THAT the Township of Huron-Kinloss Council hereby receives all items listed in Section 10.

Carried

- 11. **Township Committee Minutes Received**
- 12. **Other Agency Minutes and Reports Received**
 - 12.1 **Municipal Innovation Council**
 - 12.2 **Saugeen Valley Conservation Authority**
 - 12.3 **Saugeen Mobility and Regional Transit**
 - 12.4 **Motion to Receive Other Agency Minutes**

Resolution No.: 529

Moved by: Carl Sloetjes
Seconded by: Jim Hanna

THAT the Township of Huron-Kinloss Council hereby receives all items listed in Section 12.

Carried

13. New Business/Council Reports

No new business was noted.

14. Closed Session

Councillor Hanna left the meeting.

Resolution No.: 530

Moved by: Ed McGugan
Seconded by: Carl Sloetjes

That the Township of Huron-Kinloss Council hereby moves into a Closed Meeting pursuant to [s. 239(2)(f)] Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Human Habitation and Contravention to the Zoning By-Law AND FURTHER return to open session upon completion.

Carried

15. Business Arising from the Closed Session

Resolution No.: 535

Moved by: Ed McGugan

Seconded by: Lillian Abbott

THAT Deputy Mayor Murray reported a closed meeting was held where advice that is subject to solicitor-client privilege regarding Human Habitation and Contravention to the Zoning By-Law was discussed and direction was given to staff.

Carried

16. Confirming By-Law

16.1 By-Law No. 2021-86 being the July 2021 Confirmatory By-Law (2)

Resolution No.: 536

Moved by: Ed McGugan

Seconded by: Carl Sloetjes

THAT By-Law No. 2021-86 being the July 2021 Confirmatory By-Law (2) be read a first, second, third time and finally passed this 19th day of July, 2021.

Carried

17. Adjournment

Resolution No.: 537

Moved by: Ed McGugan

Seconded by: Lillian Abbott

THAT the Township of Huron-Kinloss Council hereby adjourns at 9:50 p.m.

Carried

Mayor

Clerk