

**Township of South-West Oxford
Council Minutes
April 18, 2023**

Members Present: Mayor: David Mayberry
Councillors: Paul Buchner (Ward 1), Peter
Ypma (Ward 2), Valerie Durston
(Ward 3), George Way (Ward 4),
Jim Pickard (Ward 5), Craig Gillis
(Ward 6)

Members Absent: None.

Staff Present: Mary Ellen Greb, Chief Administrative
Officer/Treasurer/Deputy Clerk
Rob Serson, Fire Chief
Howard Leaver, Chief Building Official
Julie Middleton, Clerk
Nicole Chambers, Records Management Co-
ordinator/Clerk's Assistant

Call Meeting to Order

The meeting was called to order at 7:00 p.m. by Mayor David Mayberry and a quorum was present.

Motion to Accept Agenda

Resolution No. 1 Moved by Jim Pickard
Seconded by George Way

RESOLVED that the regular meeting agenda for the April 18th, 2023 meeting of council be approved, as amended (dogs running at large and Zero Waste Committee).

DISPOSITION: Motion Carried

Declaration of Pecuniary Interest

None.

7:05 p.m. - Development Planner Spencer McDonald - Public Meeting: ZN 4-23-02 - Jacob Sommerville for property located at 584560 Beachville Road

Resolution No. 5 Moved by George Way
 Seconded by Paul Buchner

RESOLVED that the Council of the Township of South-West Oxford move into public meeting at 7:04 p.m. to consider zone change application ZN 4-23-02 submitted by Jacob Sommerville for property located at 584560 Beachville Road.

DISPOSITION: Motion Carried

Development Planner Spencer McDonald explained that the application for zone change proposes to rezone the subject lands from 'Residential Type 1 Zone (R1)' to 'Special Residential Type 1 Zone (R1-sp)' to facilitate the establishment of an additional residential unit (ARU) within the second storey of an existing detached garage on the subject land.

The subject land is described as Part Lot 3-5, in the Village of Beachville, in the Township of South-West Oxford. The land is located on the south side of Beachville Road, between East Hill Line and West Hill Line, and is municipally known as 584560 Beachville Road.

Mr. McDonald commented that concerns were expressed from the Township's septic inspector in relation to the size of the proposed additional residential unit. The inspector is recommending that a one-bedroom unit would be more appropriate, and that a new septic system will be required to accommodate it. The Oxford County Official Plan caps the size of proposed additional residential units – the proposed unit is over the maximum permitted size in an area that is not fully serviced.

Planning staff are not recommending support of the proposal as it is not consistent with the current Official Plan policies respecting additional residential units on private services.

Questions from Council

Councillor Ypma questioned if the square footage of the proposed additional residential unit was reduced if that would change planning staff's position on the application. Mr. McDonald noted that there are already accessory structures on the subject land which exceed the maximum permitted lot coverage allowed within the Township's Zoning By-law. The applicant, Jacob Sommerville, advised that there is an existing home and two detached

garages on the subject land – these were existing when he purchased the property.

Comments from the Applicant

Mr. Sommerville advised that he is trying to finish an existing space above on of the detached garage on the subject land. He would like to have this space for personal use for entertaining family and having guests. He advised that he has no intention of renting the unit out on a long-term basis.

Comments from Members of the Public

Mr. Sommerville’s girlfriend, Alexandria Garreau, commented that a building permit was already issued for the accessory structure on the property. There is a portion of the structure that is unfinished and they would like to complete this portion of the unit. The intended use of the space is for family and guests an they do not intend to rent the unit out on a long-term basis.

Mr. McDonald noted that County Official Plan policies allow additional residential units to be rented out on a long-terms basis.

No member of the public spoke in opposition of the application.

The applicant was asked if he would be willing to remove one of the detached garages on the subject lands or reduce the size of the proposed additional residential unit and he said no.

The Township’s Chief Building Official was asked for his opinion on the application. He noted that the unfinished space above the garage already exists – the applicant is not proposing to add an additional space that is not already there.

Resolution No. 6 Moved by Craig Gillis
 Seconded by George Way

RESOLVED that the Council of the Township of South-West Oxford reconvene in regular session at 7:20 p.m.

DISPOSITION: Motion Carried

Resolution No. 7 Moved by Craig Gillis
 Seconded by George Way

RESOLVED that the Council of the Township of South-West Oxford **approve-in-principle** the zone

Open Air Burning By-law and to receive comments from the public in relation to the proposed changes.

Chief Serson commented on issues that the Township has experienced recently in relation to open air burns that are taking place in contravention of the Township's existing by-law. Residents are having fires that are larger than permitted, in close proximity to brush/vegetation and structures, and burning materials that are prohibited. He noted that he wanted to ensure that Council is aware of the issues that the Township's fire department has had over the last several months in relation to open air burning. The proposed changes to the Township's by-law and burn permitting process are not intended to be onerous or restrictive but to ensure that property owners are educated and aware of the rules surrounding open air burns within the Township. It was noted that, burning in contravention of the by-law, may result in a fine being issued in addition to a charge equal to the cost of requiring the fire department to extinguish the fire.

Discussion took place among Council in relation to suitable and unsuitable burning conditions. It was noted that this may vary greatly throughout the Township in different areas. Chief Serson commented that humidity levels are a good indicator of safe vs. unsafe burning conditions.

Members of Council noted that they have received comments from residents in relation to the proposed changes for agricultural burns. Residents have expressed that they believe this permitting process should remain an annual requirement and not be changed to monthly.

Mark Kirwin, former firefighter in the Township, advised Council that he doesn't think that residents should be required to obtain a burn permit every month and that the annual permitting process should remain in place. He also commented that some area municipalities do not charge for burn permits.

Mike West, Township firefighter and inspector, commented that burn permits are a useful tool for farmers and agreed that the annual permitting process should remain in place. The permitting and inspection process is a good way to educate the public in relation to safe burning. He is of the opinion that it is important for the Township to continue with the same process in place. More communication to the public is needed in relation to safe burning.

Discussion took place among Council in relation to the rules for agricultural burns within the Township (i.e., size, location, setbacks).

7:58 p.m. - Kayla Jonas Galvin, Archaeological Research Associates Ltd. re: Evaluation of 324058 Mount Elgin Road (Elgin Hall)

Kayla Jonas Galvin, on behalf of Archaeological Research Associates Ltd., provided a presentation to Council in relation to the heritage evaluation completed for Elgin Hall. She commented on the following:

- She reviewed the design/physical value of the property and noted that 324058 Mount Elgin Road is a representative example of an Italianate style house.
- She reviewed the historical/associative value of the property and noted that the property is directly associated with the Bodwells of Mount Elgin, who were early settlers in the area. James Bodwell Jr., a prosperous farmer in the Dereham Township in Oxford County constructed Elgin Hall and was significant and integral to the growth of the Mount Elgin hamlet. Another property owner and member of the Bodwell family, Ebenezer Vining Bodwell, was the first member of parliament elected to the House of Commons to serve the riding of South Oxford.
- 324058 Mount Elgin Road is historically and physically linked to its surroundings. The historical link is represented in the beginnings of the initial growth of the small hamlet. The Bodwells, who owned the land and built the house, did much to promote Mount Elgin as a settlement in the early years of Oxford County. James Bodwell Jr. provided monetary support for the new development of Plank Line Road which helped to spur development in Mount Elgin. Bodwell's intent of developing the hamlet of Mount Elgin into a robust settlement is clearly indicated by his willingness to sell parts of his property.
- The bricks used to construct the house were brought from London via the Plank Road (modern day Highway 19), a road the Bodwells were integral in clearing and building, which reinforces the historical link as well as demonstrates a physical link to the property.
- 324058 Mount Elgin Road is a landmark in the village of Mount Elgin. It is situated on a rise and dominant in the surrounding flat topography. Its commanding presence and lavish decoration establish it as a landmark.
- The heritage attributes of the property were reviewed as follows:
 - Two storey Italianate house
 - Hip Roof
 - Five Bay Symmetrical Façade
 - Frontispiece
 - Recessed Entryway with Transom and Sidelights
 - Red Brick Chimney
 - Limestone Lintels and Sills
 - Bracketed Frieze and Overhanging Eaves, Pronounce Cornice
 - Segmentally Arched Window Openings

- O. Reg. 9/06 (as amended by O. Reg. 569/22) of the OHA requires that to be designated, a property must meet two or more of the criteria. 324058 Mount Elgin Road meets four criteria for determining CHVI as outlined in O. Reg. 9/06.

Councillor Pickard questioned the meaning of 'lavish decoration'. Councillor Ypma questioned the degree of craftsmanship of the structure. It was acknowledged that the report did not find that it met these criteria as outlined in O. Reg. 9/06.

In response to an inquiry by Mayor Mayberry it was noted that without access to the interior of the building, it is not known what time the addition was built. The addition has not been identified as a heritage attribute.

Chris Pidgeon, GSP Group and Brian Graydon, Mt. Elgin Developments Inc.

- Reviewed the status of the existing building located at 324058 Mount Elgin Road (Elgin Road) and structural review that was completed by DesignLogix Engineering.
- The current deteriorating status of the existing building was commented on and may be summarized as follows:
 - Rotting floor joists/boards;
 - Deteriorating foundation wall;
 - Failing foundation wall and exterior brick;
 - Additional jack posts have been added for structural support in the basement;
 - Sagging ceiling from water damage;
 - Failing west wall.
- The estimated cost to repair and stabilize the existing building is in excess of \$1.5 million (this does not include new electrical panels, plumbing, HVAC, windows, doors, kitchen and bathrooms).
- An alternative proposal was presented for Council's consideration in relation to Elgin Hall which includes newly constructed buildings adding apartment type units, surface parking and a potential 'carriage house'.
- The proposed new development would include a commitment to reclaiming the English bond buff brick and maintain the existing roof line, rhythm of windows, improved entrance and brick cladding.
- It is acknowledged that the ARA report indicates that the property has historical value and is representative of an Italianate style house. Mt. Elgin Developments Inc. proposes commemoration of the cultural heritage value through plaquing in a location of the Township's choice.
- The proposed development would provide the community with much needed apartment housing.
- Mr. Pidgeon asked Council not to designate 324058 Mount Elgin Road so that redevelopment of the property may be considered in more

detail. Mt. Elgin Developments Inc. requested to work through this process in relation to the alternate solution that has been proposed.

- It was noted the restoring the building as is not an option for the property owner.

In response to an inquiry by Councillor Pickard, Council was advised that there was some discussion with an individual that had interest in purchasing the property; however, after they visited and toured the property, there was a significant price drop in relation to the proposed purchase.

A heritage impact assessment was also discussed. Ms. Jonas Galvin advised that this would look at all options and include consideration of the feasibility, the heritage impact and heritage value of the property. It was also discussed that mimicking a building is not in the interest of cultural heritage preservation; however, it is a form of commemoration.

Resolution No. 10 Moved by Jim Pickard
 Seconded by Peter Ypma

RESOLVED that that Council of the Township of South-West Oxford open the meeting to members of the public that would like to provide comment in relation to Cultural Heritage Evaluation Report for Elgin Hall.

DISPOSITION: Motion Carried

Cody Groat

Cody Groat addressed Council in relation to the Cultural Heritage Evaluation Report presented to Council. He noted that a lot of research as gone into consideration of this matter. Commemoration is not the same as preservation. Based on the discussion and presentation, he believes that Elgin Hall will be demolished by neglect. There is an opportunity here to revitalize the property if the property is sold.

Councillor Pickard expressed concern that designation of the property will result in fewer potential purchasers and reduce the value of the property.

Debbie Kasman

Debbie Kasman noted that the property meets four of the criteria outlined in the regulation – only two are required to be considered for heritage designation. She stated that ownership of the property does not matter and the structural integrity also does not play a significant role. She provided

It was noted that if Council takes no action to designate the property, the owner may apply to demolish the structure immediately.

Councillor Ypma commented that he doesn't want to see the building continue to deteriorate over time and that he would like to see it restored or rebuilt.

Councillor Buchner commented that he is intrigued by the alternate proposal presented by Mr. Pidgeon.

Councillor Paul Buchner (Ward 1)	No
Councillor Peter Ypma (Ward 2)	Yes
Councillor Valerie Durston (Ward 3)	Yes
Councillor George Way (Ward 4)	Yes
Councillor Jim Pickard (Ward 5)	No
Councillor Craig Gillis (Ward 6)	Yes
Mayor David Mayberry	No

DISPOSITION: Motion Carried

Public Consultation: Proposed Amendments to the Township's Open Air Burning By-law (continued)

Council continued discussion in relation to proposed amendments to the Township's Open Air Burning By-law and provided staff with the following direction:

- Consider continuation of annual burn permitting process for agricultural burns;
- Implement permit process for recreational fires at no cost – emphasis on public education and awareness;
- Consider permit length of two years for recreational fires rather than five years;
- In support of open-air burn ban from June through to August each year;
- Consider set fines and additional charges for individuals that are not following the rules;
- More public education is needed in relation to safe open air burning practices; and
- Consider if agricultural properties will require two permits – one for open-air burning and one for recreational fires.

Staff Reports

CAO 05-2023: Establishing a Sub-Committee to Examine Support Needs for Township Hall, Park and Recreation Committees

Chief Administrative Officer Mary Ellen Greb provided Council with a report to provide them with information in relation to the creation of a sub-committee to examine the types of support structure improvements that may be required for Township hall, park and recreation committees moving forward into 2024.

CAO Greb advised that she would like to have the committee established as soon as possible. Two members of Council are required. It is anticipated that the committee will meet four to six times to determine needs and come up with a plan to move forward.

Resolution No. 12 Moved by George Way
 Seconded by Valerie Durston

RESOLVED that the Council of the Township of South-West Oxford receive report CAO 05-2023: Establishing a sub-committee to examine support needs for Township hall, park and recreation committees as information.

DISPOSITION: Motion Carried

Councillor Ypma commented that many of the volunteers are not prepared to continue with ongoing maintenance and operation of Township facilities. He suggested that hybrid model may be the most appropriate moving forward.

Resolution No. 13 Moved by Craig Gillis
 Seconded by Paul Buchner

RESOLVED that the following members of Council be appointed to the Township hall, park and recreation sub-committee:

Councillor Way
Councillor Ypma

DISPOSITION: Motion Carried

* Council took a break at 9:43 p.m. and resumed at 9:49 p.m.

Agenda Items & Correspondence

#70 - Oxford County Active Transportation Advisory Committee - Terms of Reference

#71 - Drinking Water Source Protection re: New Councillor Primer and letter

#72 - Oxford Pride Flying Progressive Pride Flag June 2023 & Sponsorship

#73 - 2022 Long Point Region Conservation Authority Financial Statements and Annual Report

#74 - AMO 2023 Annual General Meeting and Conference - Opening Keynote Speaker

[View online](#)

#75 - Invitation - Oxford Community Foundation Annual General Meeting

Resolution No. 14 Moved by Jim Pickard
 Seconded by Valerie Durston

RESOLVED that the Council of the Township of South-West Oxford receive agenda and correspondence items #70 to #75 inclusive as information and that they be noted and filed.

DISPOSITION: Motion Carried

Accounts Payable Report

April 18th, 2023 - Accounts Payable Report

Resolution No. 15 Moved by Paul Buchner
 Seconded by Craig Gillis

RESOLVED that the following Accounts be approved for payment:

Accounts Payable for April 1 st to 15 th , 2023	\$454,933.94
Bi-Weekly Payroll #7	\$48,280.32
Total:	\$503,214.26

DISPOSITION: Motion Carried

Information Items & Correspondence

#76 - Woodstock City Council Resolution re: Bill 5

#77 - Township of Mulmur Resolution: Re: Stopping Harassment and Abuse by Local Leaders Act, 2022 in support of Bill 5

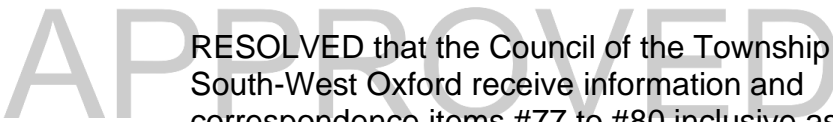
#78 - Town of Plympton-Wyoming re: Support Resolution for Chatham-Kent re Bill 5

#79 - Town of Plympton-Wyoming Resolution re: Declaring Intimate Partner Violence and Violence Against Women an Epidemic

#80 - City of Port Colborne Resolution re: Oath of Office

#81 - Municipality of South Huron re: Supporting School Bus Stop Arm Cameras

Resolution No. 16 Moved by Valerie Durston
Seconded by Craig Gillis



RESOLVED that the Council of the Township of South-West Oxford receive information and correspondence items #77 to #80 inclusive as information and that they be noted and filed;

AND FURTHER THAT the Council of the Township of South-West Oxford provide direction to staff to send a letter of support in relation to items #76 and #81.

DISPOSITION: Motion Carried

By-laws and Agreements

- By-Law No. 21-2023 - To amend Township of South-West Oxford Zoning By-law (ZN 4-22-01 - VanMoerkerke)

Resolution No. 17 Moved by Jim Pickard
Seconded by George Way

RESOLVED that the following By-Law be introduced and that they be read a first and second time:

- By-Law No. 21-2023 being a By-law to amend Township of South-West Oxford

Zoning By-law (ZN 4-22-01 –
VanMoerkerke).

DISPOSITION: Motion Carried

Resolution No. 18 Moved by Craig Gillis
Seconded by George Way

RESOLVED that By-Law 21-2023 be read a third time and finally passed, and that the Mayor and Clerk be authorized to sign the By-Law and affix the corporate seal.

DISPOSITION: Motion Carried

Committees

- Salford Hall Board Meeting Minutes: March 7, 2023
- Brownsville Hall Board Meeting Minutes: March 8, 2023

Resolution No. 19 Moved by Peter Ypma
Seconded by Valerie Durston

RESOLVED that the Council of the Township of South-West Oxford receive the following committee minutes as information:

- Salford Hall Board meeting minutes of March 7th, 2023;
- Brownsville Hall Board meeting minutes of March 8th, 2023.

DISPOSITION: Motion Carried

New Business

SWOX Zero Waste Committee

Councillor Pickard advised that this Committee is having challenges with members' attendance at the meetings – several meetings have been cancelled due to lack of quorum. Further discussion among staff is required to determine next steps and formulate a recommendation.

