Minutes
Council meeting
Municipality of West Grey
Tuesday, September 15, 2020, 6 p.m.
Virtual meeting

Council members present: Mayor Christine Robinson, Deputy Mayor Tom Hutchinson, Councillor Rebecca Hergert, Councillor Beth Hamilton, Councillor Doug Hutchinson, Councillor Geoffrey Shea, Councillor Stephen Townsend

Staff members present: CAO/Deputy Clerk Laura Johnston, Clerk Genevieve Scharback, Director of Infrastructure and Public Works Vance Czerwinski, Director of Finance/Treasurer Kerri Mighty, Recreation Supervisor Kodey Hewlett, Chief Building Official Karl Schipprack, Manager Planning & Development Lorelie Spencer, Administrative Assistant Clerk’s Office Lindsey Glazier

1. Call to order

Mayor Robinson called the meeting to order at 6:04 p.m.

Agenda item No. 15.6.1 clerk’s report was moved to follow agenda item No. 15.1 Principle’s Integrity.

2. Moment of reflection

Mayor Robinson called for a moment of reflection.

3. Declaration of pecuniary interest and general nature thereof

None.

4. Closed session

Resolution: 216-20

Moved: Deputy Mayor Hutchinson
Seconded: Councillor Townsend

Whereas the Municipal Act, S. O. 2001, section 239(2), as amended, authorizes councils of municipalities to close to the public a meeting or part of a meeting for dealing with certain subject matters;
Now therefore be it resolved that the Council of the Municipality of West Grey does now go into a closed session at 6:14 p.m., with the CAO/deputy clerk, clerk, director of public works and administrative assistant, clerk's department to discuss items that relate to personal matters about an identifiable individual, including municipal or local board employees.

Disposition: Carried

Resolution: 217-20

Moved: Councillor Hergert
Seconded: Councillor Hutchinson

That the Council of the Municipality of West Grey reconvenes in open session at 7:07 p.m.

Disposition: Carried

Mayor Robinson called for a recess at 7:08 p.m. Council reconvened at 7:28 p.m.

5. Matters arising from the closed session

Mayor Robinson reported that only items identified in the resolution to go into closed session were discussed in closed session.

Resolution: 218-20

Moved: Councillor Shea
Seconded: Councillor Townsend

That council hereby provide an exemption to Schedule C of bylaw 25-2015 providing for non-metered water rates where use of meter has been neglected or refused and section 4 of bylaw 25-2015 being sewage rates, retroactive to the COVID declaration of emergency on March 23, 2020 through to the date that the emergency is terminated in West Grey.

Disposition: Carried
6. **Comment period**

Alexandra Ferrier, Associate at Fallis, Fallis & McMillan and resident of West Grey, commented in regards to item 15.1 of the agenda. Correspondence from Ms. Ferrier was circulated to council. Ms. Ferrier affirmed that communication with Councillor Hergert was limited to procedures to engage with the commission. She stated Councillor Hergert never provided any confidential information.

Phil Englishman spoke in relation to item 15.1 of the agenda. The letter Ms. Ferrier sent was on his behalf. He identified he feels Councillor Hergert is an asset to the Saugeen Municipal Airport Commission. He advised that he was only in contact with Councillor Hergert in regards to how to access commission meetings.

7. **Public meetings**

None.

8. **Adoption of minutes**

8.1 **September 1, 2020 Council Minutes**

8.2 **August 4, 2020 Elmwood Community Centre Board Minutes**

**Resolution: 219-20**

**Moved:** Councillor Hamilton  
**Seconded:** Deputy Mayor Hutchinson

That the Council of the Municipality of West Grey approves the September 1, 2020 council meeting minutes, as presented; and

That minutes from the August 4, 2020 Elmwood Community Centre Board meeting, be received for information.

**Disposition: Carried**

9. **Routine department reports**

None.
10. Miscellaneous correspondence

10.1 Items requiring action

10.1.1 Request for council to recognize October 18-24, 2020 as Ontario Public Library Week

Resolution: 220-20

Moved: Councillor Hamilton
Seconded: Councillor Shea

That the Council of the Municipality of West Grey recognizes October 18-24, 2020 as Ontario Public Library Week; and

That a letter be sent to the CEO/Librarian of the West Grey Public Library confirming the decision.

Disposition: Carried

10.1.2 Request To Raise Terry Fox Flag

Resolution: 221-20

Moved: Deputy Mayor Hutchinson
Seconded: Councillor Hutchinson

That the Council of the Municipality of West Grey hereby approves the raising of the Terry Fox flag at the municipal office from September 16 to September 21, 2020.

Disposition: Carried

10.2 Items for information

10.2.1 Letter from the Ministry of Agriculture, Food and Rural Affairs regarding partial proclamation of the Security from Trespass and Protecting Food Safety Act, 2020

10.2.2 Letter from the Ministry of Municipal Affairs and Housing regarding exercising authority under the current emergency order in relation to staff deployment
Resolution: 222-20

Moved: Councillor Hamilton
Seconded: Councillor Hutchinson

That the Council of the Municipality of West Grey receives correspondence items not otherwise dealt with.

Disposition: Carried

11. Future committee meetings
   11.1 Committee of the Whole meeting, September 29, 2020 at 9 a.m.
   11.2 Saugeen Municipal Airport Commission meeting, September 16, 2020 at 1:30 p.m.
   11.3 West Grey Public Library Board meeting, September 16, 2020 at 1:30 p.m.
   11.4 West Grey Police Services Board meeting, September 28, 2020 at 9 a.m.
   11.5 West Grey Economic Development Advisory Committee meeting, October 1, 2020 at 9:30 a.m.
   11.6 Elmwood Community Centre Board meeting, October 6, 2020 at 7 p.m.

12. Communications from the mayor and council
   Council reported on past activities and events since the last regular meeting of council, and on upcoming events and activities.

13. Delegations / presentations
   13.1 Grey County Climate Change Action Plan - Hiba Hussain. Planner, County of Grey

   Planner Hiba Hussain shared that the Grey County Climate Action Plan is a mitigation focused plan. The plan will provide resources and guidance to lower tier municipalities, with a focus on areas with the greatest impact on emissions. Planner Hussain noted that climate change is everyone’s responsibility.

   Saugeen Valley Conservation Authority will provide the County with updated flood mapping and identify changes to the policy.

   Planner Hussain will attend a future committee of the whole meeting when information is available and a decision is made about West Grey’s role with the Partners for Climate Action.
Mayor Robinson thanked Hiba Hussain, Planner, County of Grey for the presentation.

Resolution: 223-20

Moved: Deputy Mayor Hutchinson  
Seconded: Councillor Townsend

That the Council of the Municipality of West Grey receives the delegation by Hiba Hussain, Planner, County of Grey regarding Grey County Climate Change Action Plan.

Disposition: Carried

14. Business arising from the previous meeting

None.

15. Staff reports

15.1 Principles Integrity

15.1.1 Recommendation Report re: Complaint against Councillor Hergert

Janice Atwood-Petkovski and Jeffrey Abrams, Principle Integrity reviewed the report in detail. Ms. Atwood-Petkovski outlined their appointment as the municipal integrity commissioner for The Municipality of West Grey and their role in investigating Code of Conduct complaints.

Ms. Atwood-Petkovski outlined the process of how a complaint and investigation proceeds once received by the integrity commissioner.

Ms. Atwood-Petkovski outlined that the complaint was received from the chair of the Saugeen Municipal Airport on behalf of the commission. The allegation was that Councillor Hergert was acting in a manner undermining the collective efforts of the commission and disregarding and ignoring the commission’s decision to have all communication with the pilot go through the lawyer, commission’s lawyer.
The Integrity Commissioner concluded in the investigation that Councillor Hergert did engage in behind the scenes communication.

Ms. Atwood-Petkovski confirmed that the Integrity Commissioner usually does not receive comments from the public in regard to complaints against council.

Principle Integrity are independent adjudicators and ensure procedural fairness. Ms. Atwood-Petkovski shared that it is councils' determination whether or not the pass the recommendations.

The Integrity Commissioner stated that in their professional opinion it was not necessary to interview the pilot or lawyer to determine the facts as Councillor Hergert admitted to various communications with the pilot and his lawyer, Ms. Ferrier.

Mayor Robinson thanked Ms. Atwood-Petkovski and Mr. Abrams for their report.

Councillor Hergert spoke in regard to the report saying she takes the allegations very seriously. She communicated that she only communicated with a constituent regarding open session information only. Councillor Hergert confirmed that she would not resign and that she feels bullied by the commission because she does not fall in line and remains unbiased.
Resolution: 224-20
Mayor Robinson asked for a recorded vote.

Moved: Councillor Townsend
Seconded: Councilor Hamilton

That the Council of the Municipality of West Grey receives the report from Principles Integrity, the Integrity Commissioner for the Municipality of West Grey, respecting a complaint against Councillor Hergert dated September 10, 2020.

Recorded

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Disposition: Carried

Resolution: 225-20
Mayor Robinson asked for a recorded vote.

Moved: Deputy Mayor Hutchinson
Seconded: Councillor Hutchinson

That having been found to have breached the Codes of Conduct for the Municipality of West Grey and the Saugeen Municipal Airport Commission, that Councillor Rebecca Hergert be and is hereby formally reprimanded.

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Disposition: Carried
Resolution: 226-20
Mayor Robinson asked for a recorded vote.

Moved: Councillor Hutchinson
Seconded: Councillor Hamilton

That the Council of the Municipality of West Grey revoke the appointment of Councillor Hergert as the West Grey appointee to the Saugeen Municipal Airport Commission; and

That Deputy Mayor Hutchinson be appointed to the Saugeen Municipal Airport Commission as the Municipality of West Grey representative.

Recorded For: Against:
Mayor Robinson X
Deputy Mayor Hutchinson X
Councillor Hergert X
Councillor Hamilton X
Councillor Hutchinson X
Councillor Shea X
Councillor Townsend X

Disposition: Carried

Resolution: 227-20
Mayor Robinson asked for a recorded vote.

Moved: Deputy Mayor Hutchinson
Seconded: Councillor Hutchinson

That Mayor Robinson be appointed as the alternative to the Saugeen Municipal Airport Commission.

Recorded For: Against:
Mayor Robinson X
Deputy Mayor Hutchinson X
Councillor Hergert X
Councillor Hamilton X
Councillor Hutchinson X
Councillor Shea X
Councillor Townsend X

Disposition: Carried
15.6 Clerk

15.6.1 Council Code of Conduct

The Integrity Commissioner and Clerk Scharback answered various questions from council regarding non-qualifying interest, councillor constituency records, committee member code of conduct, and staff relations policy.

Council identified some minor errors that staff confirmed will be changed.

Clerk Scharback identified that the staff relations policy will be brought forward in a report at a future council meeting.

Resolution: 228-20

Moved: Councillor Townsend
Seconded: Councillor Hamilton

That the Council of The Municipality of West Grey receives the report, Council Code of Conduct; and

That the Council of The Municipality of West Grey approves the committee of the whole recommendation to pass the Council Code of Conduct as presented by Principles Integrity at the May 26, 2020 committee of the whole meeting by considering the bylaw to adopt the Council Code of Conduct in the bylaw portion of the agenda.

Disposition: Carried

15.2 Director of Finance/Treasurer

15.2.1 Approval of Accounts – Voucher 16-2020

Resolution: 229-20

Moved: Deputy Mayor Hutchinson
Seconded: Councillor Hergert

That the Council of The Municipality of West Grey approves Voucher No. 16-2020 in the amount of $2,874,964.55.

Disposition: Carried
15.2.2 Normanby Public Works Depot Septic Replacement

Director Mighton advised that the cost has been estimated to be less than $4,500.

Resolution: 230-20

Moved: Councillor Shea
Seconded: Councillor Hamilton

That the Council of The Municipality of West Grey approves the project to replace the septic at the Normanby Public Works Depot to be funded from the Public Works Housing Reserve.

Disposition: Carried

15.3 Co-ordinator, Office of the CAO

15.3.1 West Grey Pole Banner Program

Resolution: 231-20

Moved: Councillor Townsend
Seconded: Councillor Hutchinson

That report West Grey Pole Banner Program be received; and further

That the Council of The Municipality of West Grey approves a budget up to a maximum of $10,000 to develop and implement a pole banner program; and

That staff work with the Economic Development Advisory Committee (EDAC) to develop a pole banner program to launch in the spring of 2021.

Disposition: Carried
15.4 Director of Infrastructure and Public Works

15.4.1 Connecting Link Project – Garafraxa Bridge Rehabilitation

Resolution: 232-20

Moved: Deputy Mayor Hutchinson
Seconded: Councillor Hamilton

That the Council of The Municipality of West Grey award the engineering for the Garafraxa Bridge Rehabilitation project to Triton Engineering Services Limited.

Disposition: Carried

15.5 Recreation Supervisor

15.5.1 Rural Economic Development (RED) grant update

Resolution: 233-20

Moved: Councillor Townsend
Seconded: Councillor Hergert

That report Rural Economic Development (RED) grant update be received for information; and

That the Council of The Municipality of West Grey hereby schedules a virtual joint council meeting with Grey Highlands on September 28th at 3 p.m.

Disposition: Carried

16. Bylaws

16.1 Bylaw No. 61-2020 Sale of Municipal Land to DJ Land Development Limited

Resolution: 234-20

Moved: Councillor Shea
Seconded: Deputy Mayor Hutchinson

That the Council of the Municipality of West Grey gives first, second and third and final reading to Bylaw No. 61-2020, being a bylaw for the Sale of Municipal Land to DJ Land Development Limited.

Disposition: Carried
16.2 Bylaw No. 62-2020 Council Code of Conduct
Resolution: 235-20

Moved: Councillor Hamilton
Seconded: Councillor Hergert

That the Council of the Municipality of West Grey gives first, second and third and final reading to Bylaw No. 62-2020, being a bylaw to adopt a Council Code of Conduct.

Disposition: Carried

16.3 Bylaw No. 63-2020 Hopkins Zoning Amendment No. ZA-07-2020
Resolution: 236-20

Moved: Deputy Mayor Hutchinson
Seconded: Councillor Townsend

That the Council of the Municipality of West Grey gives first, second and third and final reading to Bylaw No. 63-2020, being a bylaw to amend the zoning Bylaw No. 37-2006.

Disposition: Carried

16.4 Bylaw No. 64-2020 Scriven Zoning Amendment No. ZA-08-2020
Resolution: 237-20

Moved: Councillor Shea
Seconded: Councillor Hergert

That the Council of the Municipality of West Grey gives first, second and third and final reading to Bylaw No. 64-2020, being a bylaw to amend the zoning Bylaw No. 37-2006.

Disposition: Carried
16.5 Bylaw No. 65-2020 Confirming Proceedings of Council

Resolution: 238-20

Moved: Councillor Hergert
Seconded: Councillor Shea

That the Council of the Municipality of West Grey gives first, second and third and final reading to Bylaw No. 65-2020, being a bylaw to confirm matters addressed at the September 15, 2020 regular council meeting.

Disposition: Carried

18. Addendum

None.

19. Closed session - incomplete items only

Not applicable.

20. Matters arising from closed session

Not applicable.

21. Question period

None.

22. Municipal act - notices

None.

23. Adjournment

Resolution: 239-2020

Moved: Deputy Mayor Hutchinson
Seconded: Councillor Hutchinson

That we do now adjourn at 10:59 p.m., to meet again on October 6, 2020 at 10 a.m. or at the call of the chair.

Disposition: Carried